

## **PLANNING AND ZONING COMMISSION**

**APRIL 22, 2014**

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, April 22, 2014 at 6:00 p.m.

Commission Member Present: Chairman Rick Franklin, Vice-Chairman George Bush, Matt Hilton, Michael Osuna, Dick Stevens, and Larry Thompson

Commission Member Absent: Jim Gilmore

Staff Present: Director of Planning Michael Quint, Planning Managers Brandon Opiela and Matt Robinson, Planners Samantha Pickett and Steven Duong, and Administrative Assistant Terri Ramey

There were approximately 50 guests present.

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

Chairman Franklin explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be only heard by the Planning and Zoning Commission and others would be forwarded on to City Council. Chairman Franklin stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. He requested that applicants and Staff limit their remarks to ten minutes each and that guests limit their remarks to five minutes and speak only once. Chairman Franklin explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking the issues.

Chairman Franklin continued the meeting with the Consent Items. He stated that item number 14-049PF would be pulled from the Consent Agenda to be considered separately.

The Commission unanimously approved the motion by Commission Member Thompson, seconded by Commission Member Hilton, to approve the following nine Consent items with a vote of 6-0-0.

- 14-418** Minutes of the Planning and Zoning Commission Regular Meeting of April 8, 2014
- 14-075PF** Consider/Discuss/Act on the Request by Texas Development Services, on Behalf of Victory 380 Investments, L.L.C., for Approval of a Preliminary-Final Plat for Lots 1-3, Block A, of the Victory-Belterra Addition, Being Fewer than 2 Acres, Located on the Northeast Corner of Lake Forest Drive and U.S. Highway 380 (University Drive)
- 14-084PF** Consider/Discuss/Act on the Request by Kimley-Horn and Associates, Inc., on Behalf of CH-B Trinity Falls, L.P., for Approval of a Preliminary-Final Plat for 463 Single Family Residential Lots and 19 Common Areas (Trinity Falls Planning Unit 2), Being Fewer than 164 Acres, Located on the Southeast Corner of Future Trinity Falls Parkway (C.R. 206) and Wilmeth Road
- 14-061PF** Consider/Discuss/Act on the Request by Lenart Development Company, L.L.C., on Behalf of Wynne Jackson, Inc., and Jackie Hendricks, for Approval of a Preliminary-Final Plat for 100 Single Family Residential Lots and 4 Common Areas (Sleepy Hollow Estates), Being Fewer than 31 Acres, Located Approximately 890 Feet East of Sleepy Hollow Road and on the South Side of Wilmeth Road
- 14-064PF** Consider/Discuss/Act on the Request by Cates Clark & Associates, on Behalf of 810/810 Ventures at Stonebridge Ranch, Ltd., for Approval of a Preliminary-Final Plat for Lots 1-3, Block A, of the Eldorado Corners Addition, Being Fewer than 27 Acres, Located on the Northeast Corner of Custer Road and Eldorado Parkway
- 14-070PF** Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of The Samaritan Inn, for Approval of a Preliminary-Final Plat for Lot 1, Block A, of the Samaritan Inn Addition, Being Fewer than 16 Acres, Located on the East Side of State Highway 5 (McDonald Street) and Approximately 400 Feet South of Interchange Drive
- 14-080PF** Consider/Discuss/Act on the Request by Claymoore Engineering, on Behalf of University Joint Venture, for Approval of a Preliminary-Final Plat for Lot 2R, Block A, of the Skyline University Addition, Being Fewer than 4 Acres, Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 125 Feet West of Wisteria Way
- 14-088CVP** Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, on Behalf of Custer Investment, L.L.C., for Approval of a Conveyance Plat for Lots 1R1, 1R2, and 1R3, Block A, of the Eldorado-Custer Addition, Being Fewer than 14 Acres, Located on the Northeast Corner of Stonebridge Drive and Custer Road
- 14-079CVP** Consider/Discuss/Act on the Request by Vandiver Associates, on Behalf of Wilmeth 337 Venture, L.P., for Approval of a Conveyance Plat for Lots 1 and 2, Block A, of the Hardin Boulevard Church Addition, Being Fewer than 9 Acres, Located on the Southeast Corner of

**Hardin Boulevard and Wilmeth Road**

**END OF CONSENT**

Chairman Franklin called for the Preliminary-Final Plat for 94 Single Family Residential Lots (Park Ridge). The Commission unanimously approved the motion by Member Thompson, seconded by Commission Member Hilton, to table the following item to the May 13, 2014 Planning and Zoning Commission meeting, with a vote of 6-0-0.

**14-049PF Consider/Discuss/Act on the Request by Dowdey, Anderson and Associates, on Behalf of Verbi Hayes, for Approval of a Preliminary-Final Plat for 94 Single Family Residential Lots (Park Ridge), Being Fewer than 21 Acres, Located at the Northwest Corner of Virginia Parkway and Hardin Boulevard**

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

**14-076Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, Inc., on Behalf of Paul Lehner & Virginia R. Lehner, for Approval of a Request to Rezone Fewer than 102 Acres from "AG" - Agricultural District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Located on the Southeast Corner of Stacy Road and Alma Road (REQUEST TO BE TABLED)**

Mr. Steven Duong, Planner for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely due to a Staff noticing error. He stated that Staff would re-notice for an upcoming public hearing.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted to close the public hearing and table the proposed zoning request indefinitely as recommended by Staff, with a vote of 6-0-0.

Chairman Franklin stated that Staff would re-notice for the upcoming public hearing on this item.

**14-009Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by NEXmetro Community Development, L.L.C., on Behalf of Hunter 38042, L.P., for Approval of a Request to Rezone Fewer than 11 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Northeast Corner of U.S. Highway 380 (University Drive) and Grassmere Lane**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request with the special ordinance provision listed in the staff report. Mr. Duong stated that Staff recommends denial of the request to reduce parking spaces.

Vice-Chairman Bush asked to clarify how the parking spaces were counted. Mr. Duong stated that if an enclosed garage has a 20-foot driveway in front of the garage door, the driveway would count as parking. He stated that if a unit did not have a garage door then they would be required to provide additional parking at another location on the site.

Mr. Mark Housewright, 900 Jackson St., Dallas, TX, explained the proposed rezoning request and the request to reduce parking spaces for the development.

Vice-Chairman Bush asked Staff if there were any other similar projects in McKinney. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that there was a similar project on southeast corner of Stacy Road and Custer Road.

Chairman Franklin asked the applicant if they typically sell these developments or if they continue to manage them after they are built. Mr. Josh Hartmann, NEXmetro Community Development, L.L.C., 2355 E. Camelback Rd., Phoenix, AZ, stated that typically after three to four years they often consider selling the developments.

Chairman Franklin expressed concerns about whether or not the property would be well maintained after the development was sold to another party. Mr. Hartmann felt that the investors who purchase the development would be making a large investment and would maintain the property.

Commission Member Thompson asked about the options to address the parking issue. Mr. Duong stated that Staff would like to see the applicant meet the standard multi-family parking requirements and discussed the requirements. Mr. Hartman stated that Kimley-Horn and Associates had completed a parking study for the project and felt the proposed parking spaces would be sufficient. He preferred more open space and additional landscaping verses additional parking.

Commission Member Thompson opened the public hearing and called for comments.

Ms. Tracy Carruth, 7404 Ardmore St., McKinney, TX, spoke in opposition of the request and expressed concerns regarding the development not aligning with Tucker Hill, possible decreases in Tucker Hill property values, traffic issues, parking issues, the high number of carports proposed for the development, and maintenance of the development over time.

Mr. Kevin McKernan, 2316 Grassmere, McKinney, TX, stated that he had met with the representatives of NEXmetro Community Development, L.L.C. and with City Staff to discuss the proposed development for this property and was in favor of the request overall. He expressed concerns about traffic issues near U.S. Highway 380 (University Drive) and Grassmere Lane. Mr. McKernan also expressed concerns about possible parking issues for the development. He suggested that the access through Grassmere Lane be exit only for the proposed development.

On a motion by Commission Member Thompson, seconded by Commission Member Stevens, the Commission voted to close the public hearing, with a vote of 5-1-0. Commission Member Stevens voted against the motion.

Commission Member Thompson briefly discussed the traffic issues near U.S. Highway 380 (University Drive) and Grassmere Lane. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that at the previous public meeting regarding this request there was discussion to have the access off of Grassmere as an emergency only access. He did not feel that would address the traffic and safety issues. Mr. Hartmann stated that the proposed project would be fully gated. He stated that he would dedicate right-of-way for a deceleration lane off of U.S. Highway 380 (University Drive) to help address the traffic issue.

Chairman Franklin asked who would be paying for the deceleration lane. Mr. Quint stated that the City did not have funds to build the deceleration lane and that the City could not require the developer to build the deceleration lane. Mr. Hartmann stated that he would be willing to build the deceleration lane; however, they would want full access to the entrance off of Grassmere Lane.

Mr. Quint discussed the various ways to access the proposed development.

Chairman Franklin stated that he liked the concept for the proposed development; however, he did not feel that it fit the area with the Tucker Hill development located next to

it. Chairman Franklin stated that it might be a better development than what could go in there under the current zoning of the property. He liked the fact that the applicant was willing to build the deceleration lane to help address some of the traffic issues.

Commission Member Stevens expressed concerns with the proposed parking for the development. Mr. Hartmann explained that they proposed to have one carport assigned to each residence. He stated that they proposed a ratio of 1.55 covered or open parking and a ratio of 0.30 enclosed garage parking spaces per unit.

Commission Member Stevens asked about the rental amount for the enclosed garage spaces. Mr. Hartmann stated that they rent for \$100 per month at one of their facilities in Arizona; however, he was not exactly sure how much they would rent for at this location.

Commission Member Stevens expressed concerns that the garages might be used as storage units, which would not help the parking issue. Mr. Hartmann stated that they have rules against using the garages as storage units on their properties. He stated that they had access to the garages to verify that the renters were following the rules.

Chairman Franklin expressed his concerns about the parking issue. He suggested the development needed at least two parking spaces per unit. Mr. Quint stated that the two parking spaces per unit would be closer to the detached, single-family residential parking standard. Mr. Hartmann stated that he could make the two parking spaces per unit work for the development. He stated that at least one of the two parking spaces per unit would be covered parking.

On a motion by Vice-Chairman Bush, seconded by Commission Member Thompson, the Commission voted to recommend approval of the zoning request as recommended by Staff and with two special ordinance provisions added where the applicant would dedicate and build a deceleration lane onto Grassmere Lane and the applicant would provide two parking spaces per unit with one of those parking spaces being enclosed, with a vote of 4-2-0. Commission Members Osuna and Stevens voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on May 20, 2014.

Chairman Franklin and Vice-Chairman Bush stepped down during the consideration of item # 14-078Z, due to a possible conflict of interest.

**14-078Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd and Joplin, on Behalf of Eldorado BKC, L.P., for Approval of a Request to Rezone Fewer than 12 Acres from "PD" - Planned Development District to "TH" - Townhome Residential District, Located Approximately 400 Feet West of Craig Drive and on the South Side of Bush Drive**

Ms. Samantha Pickett, Planner for the City of McKinney, explained the proposed rezoning request and expressed Staff's concerns. She stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with the City of McKinney's Comprehensive Plan.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX, explained the proposed rezoning request. He requested that the proposed rezoning request be tabled to another meeting to allow time to discuss the proposed development with the surrounding neighbors.

Commission Member Thompson asked about the proposed price points for the townhome units. Mr. Roeder stated that they would be around the \$200,000 to \$300,000 range.

Commission Member Thompson opened the public hearing and called for comments.

The following two residents spoke in opposition of the proposed rezoning request. These citizens expressed concerns regarding additional traffic issues with the proposed development, impact on area schools, possibly decreasing their property values, additional maintenance expenses of the pond, felt the City's tax base would be negatively impacted, felt an office building or light retail might be a better fit for the area, and questioned who the owners were of Eldorado BKC, L.P.

- Ms. Christy Elkins, 2602 Concord Ct., McKinney, TX
- Mr. Peter McLellan, 2600 Lexington Pl., McKinney, TX

The following person turned in speaker card in opposition of the rezoning request; however, did not speak during the public hearing.

- Ms. Dagny McLellan, 2600 Lexington Pl., McKinney, TX

On a motion by Commission Member Hilton, seconded by Commission Member Osuna, the Commission voted to close the public hearing and table this item to another meeting per the applicant's request, with a vote of 4-0-2. Chairman Franklin and Vice-Chairman Bush abstained.

Commission Member Thompson stated that Staff would re-notice for an upcoming public hearing on this item.

Chairman Franklin and Vice-Chairman Bush returned to the meeting.

**14-060SUP Conduct a Public Hearing to Consider/Discuss/Act on the Request by The Dimension Group, on Behalf of Malouf Interests, Inc., for Approval of a Specific Use Permit for a Motor Vehicle Fuel Sales Facility to Fuel a Maximum of 12 Vehicles at One Time, Being Less than 1 Acre, Located on the Southwest Corner of Virginia Parkway and Custer Road**

Mr. Steven Duong, Planner for the City of McKinney, explained the specific use permit request. He stated that Staff recommends approval of the requested specific use permit with the special ordinance provision listed in the staff report.

Mr. John Fitzgerald, The Dimension Group, 2717 Ridgemeade Drive, Garland, TX, briefly discussed the request.

Chairman Franklin opened the public hearing and called for comments. There were none.

The Commission unanimously approved the motion by Commission Member Hilton, seconded by Vice-Chairman Bush, to close the public hearing and recommend approval of the specific use permit with the special ordinance provision listed in the staff report, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on May 6, 2014.

**14-090MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, on Behalf of Himalayan Ventures, L.P., for Approval of a Minor Replat for Lots 6R, 7R and 8, Block A, of the Adriatica Addition, Being Fewer 14 Acres, Located on the Northeast Corner of Stonebridge Drive and Mediterranean Drive**

Ms. Samantha Pickett, Planner for the City of McKinney, explained the proposed minor replat. She stated that Staff recommends approval of the proposed minor replat as conditioned in the staff report.



Mr. Arlyn Samuelson, Pogue Engineering & Development Company, 1512 Bray Central, McKinney, TX, briefly discussed the request.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Osuna, the Commission unanimously approved the motion to close the public hearing and approve the proposed minor replat as conditioned in the Staff report, with a vote of 6-0-0.

Chairperson Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

**14-093M      Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend Appendix B (Urban Design Standards for the Regional Employment Center) of Chapter 146, Including Section B-1 (Map of Regional Employment Center Overlay Zones) and Section B-2 (Regional Employment Center - Overlay Urban Design Standards), of the Zoning Regulations**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, discussed the proposed amendments to Appendix B (Urban Design Standards for the Regional Employment Center) of Chapter 146 (Zoning Ordinance), including Section B-1 (Map of Regional Employment Center Overlay Zones) and Section B-2 (Regional Employment Center – Overlay Urban Design Standards), of the Zoning Regulations. He stated that Staff had received broad support of the amendments at previous meetings, received two letters of support, and numerous calls in support of the amendments. Mr. Opiela stated that Staff recommends approval of the proposed amendments to multiple sections of Chapter 146 (Zoning Regulations) of the Code of Ordinances.

Vice-Chairman Bush asked about the amendment to the front entry garages for lots under 50 feet in width listed in the Staff report. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that City Council was not comfortable waiving the front entry garage requirement across the board. He stated that they want to review it on a case-by-case basis.

Commission Member Stevens asked if the properties being affected by these proposed amendments would be rezoned. Mr. Opiela stated that it was only an amendment to the overlay district and that the properties were not being rezoned. He

stated that the properties zoned prior to February 6, 2001, in red on the Properties Within the REC Overlay District map, would not be affected. Mr. Opiela stated that the properties zoned after February 6, 2001, in blue on the Properties Within the REC Overlay District map, would be affected. He stated that the amendments would allow them to build in an urban or standard development pattern for some flexibility to meet the market demand. Mr. Quint stated that action being considered would not rezone the properties within the REC (Regional Employment Center). He stated that this was only a text amendment to Chapter 146 (Zoning Ordinance). Mr. Quint stated that it did affect the property rights on the properties as shown on the Properties Within the REC Overlay District map that was included in this item's packet; however, it was not rezoning the properties.

Commission Member Osuna asked about the amendment to reduce the single family side yard at corner set back listed in the Staff report. Mr. Opiela explained the amendment. Mr. Quint stated that the chart included in the packet had the existing ordinance requirements listed.

Commission Member Osuna asked about possible drainage issues that might occur with these amendments. Mr. Quint stated that the Engineering Department for the City of McKinney would review the requests on a case-by-case basis to address any possible drainage issues.

Commission Member Hilton asked if the proposed amendments would broaden the property rights for the properties within the REC (Regional Employment Center). Mr. Opiela said yes and that the property owners would have more options with these amendments.

Chairman Franklin opened the public hearing and called for comments.

The following two residents spoke in opposition of the proposed rezoning request. These citizens expressed concerns regarding increasing the building height and density of multi-family units within the REC (Regional Employment Center), and questioned whether there was a true market for the urban design products.

- Mr. Robert Baker, 3913 Tablestone Dr., McKinney, TX
- Ms. Bridgette Wallis, 6320 Blackstone, McKinney, TX

On a motion by Vice-Chairman Bush, seconded by Commission Member Osuna, the Commission voted to close the public hearing, with a vote of 6-0-0.

Commission Member Thompson wanted to clarify that the proposed amendments would not be changing any current zoning of the properties. Mr. Quint gave an example of properties that are currently zoned for multi-family still being allowed to build multi-family on the property the day after these proposed amendments are adopted. He briefly discussed the Multi-Family Policy that was adopted in 2001.

Mr. Quint stated that the development community has stated that the current market was not supporting an urban product and gave an example of a detached, single-family housing with a large covered porch, with the garage set-back 20 feet from the face of the structure, and a 18" finished floor elevation change between the street level and the finished floor. He stated that City Council wants to preserve the property rights of the property owners within the REC (Regional Employment Center) and also give them more options.

Commission Member Hilton asked about the proposed amendment to increase multi-family building heights. Mr. Opiela explained the reason behind the proposed amendment. He explained that previous requests to increase building heights for multi-family development within the REC (Regional Employment Center) have been approved. Mr. Opiela felt that a three or four story building would fit better within an urban style development and would provide the appropriate massing along the street. Mr. Quint felt that urban development usually had taller and denser development.

On a motion by Vice-Chairman Bush, seconded by Commission Member Thompson, the Commission voted unanimously to recommend approval of the proposed amendments to multiple sections of Chapter 146 (Zoning Regulations) of the Code of Ordinances as listed in the staff report, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on May 20, 2014.

There being no further business, Chairman Franklin declared the meeting adjourned at 7:42 p.m.

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RICK FRANKLIN  
Chairman