

## PLANNING AND ZONING COMMISSION

JANUARY 28, 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, January 28, 2014 at 6:00 p.m.

Commission Members Present: Chairman Rick Franklin, Vice-Chairman George Bush, Jim Gilmore, Matt Hilton, David Kochalka, Michael Osuna, and Larry Thompson

Staff Present: Director of Planning Michael Quint, Planning Manager Brandon Opiela, Planners Samantha Gleinser 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.

The Commission unanimously approved the motion by Commission Member Hilton, seconded by Commission Member Gilmore, to approve the following two Consent Items with a vote of 7-0-0.

**14-113      Minutes of the Planning and Zoning Commission  
Regular Meeting of January 14, 2014**

**14-015CVP Consider/Discuss/Act on the Request by McKinney Economic Development Corporation, for Approval of a Conveyance Plat for Lot 1R, Lot 2, and Lot 3 Block B, of the University Business Park Addition, Being Fewer than 32 Acres, Located on the Southeast Corner of Bray Central Drive and Commerce Drive.**

**END OF CONSENT**

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

**13-154Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of McKinney Housing Authority, for Approval of a Request to Rezone Fewer than 6 Acres from "BG" - General Business District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the East Side of McDonald Street (State Highway 5) and on the North Side of McMakin Street**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request with the exception of the two special ordinance provisions listed in the staff report. Ms. Gleinser stated that several letters of support were distributed to the Planning and Zoning Commission Members and Staff prior to the meeting.

Mr. Martin Sanchez, Sanchez and Associates, 402 N. Tennessee St., McKinney, TX, explained the proposed rezoning request. He showed a presentation showing the current and proposed structures on the property. Mr. Sanchez gave a brief history on Newsome Homes. He discussed why a specific number of units were necessary for the new development to be economically feasible.

Commission Member Thompson asked about the proposed windows oriented towards the surrounding single family residential uses or zones that would be in violation of the City of McKinney ordinance and how many proposed units would be in violation. Ms. Gleinser stated that generally any windows within 150' of the single family residential uses would be in violation. Ms. Sanchez had a slide that showed how the 150' requirement would affect the development if they did not build units within that space.

Commission Member Gilmore asked about the number of residents that would be displaced with the change from public housing to senior housing at this location. Mr.

Sanchez stated that the vast majority of residents living in Newsome Homes were seniors. He stated that they would allow the current senior residents first opportunity to move back into the new development and that a lot of them have a strong tie to the community. Mr. Sanchez explained that the McKinney Housing Authority would need to find homes for all of the residents during the construction phase of the project.

Commission Member Thompson asked how many units were proposed. Mr. Sanchez stated that there are currently 84 units in Newsome Homes and the new development was proposing approximately 180 units.

Commission Member Osuna asked how many units would be built if they did not build within the 150' setback requirement. Mr. Sanchez felt that the new senior housing development would not be built if they had to reduce the number of units to meet this requirement. He stated that it would not be economically feasible.

Commission Member Gilmore asked why the property was changing from public housing to senior housing. Mr. Sanchez stated that it would still be affordable public housing. He stated that the Newsome housing development had evolved into a primarily senior facility. He stated that it also fit into the broader McKinney Housing Authority vision to deal with the various facilities, so they could balance out the system.

Commission Member Kochalka asked how they intend to restrict the age limit, so only seniors could live there. Mr. Sanchez did not know exactly how they intended to restrict the age limit for the facility; however, stated that the McKinney Housing Authority would take the necessary steps to accomplish it.

Commission Member Kochalka felt that setback issues were common in the older part of McKinney due to smaller lot sizes.

Commission Member Kochalka asked if a sidewalk was proposed along McDonald Street (State Highway 5). Mr. Sanchez stated that a sidewalk would be constructed along McDonald Street (State Highway 5).

Commission Member Osuna asked about the proposed amenities for the development. Mr. Sanchez stated that some open spaces were proposed.

Commission Member Osuna asked if there would be any common areas inside the proposed development. Mr. Sanchez stated that there would be some amenities inside the buildings.

Commission Member Hilton asked to clarify that the development would not be built if not all of the proposed units were built. Mr. Sanchez said yes and explained what areas of the proposed development would be affected by not building within the 150' setback.

Commission Member Hilton asked Mr. Sanchez if they had met with the surrounding neighbors to discuss their plans for redeveloping the site. Mr. Sanchez said yes. He stated that they received positive responses about the project.

Mr. Quint stated that Staff was comfortable with one-story or two-story public housing buildings with windows adjacent to single family residential properties and the proposed living screen; however, Staff was not comfortable with third-story units with windows adjacent to the surround single family residential properties. He stated that Staff was not advocating that nothing be constructed within the 150' setback area or that any of the existing trees along the northern and western property lines be removed.

Mr. Sanchez stated that it was not as simple as removing six units and explained how he felt the restriction would affect many more proposed units.

Commission Member Hilton asked if they could build two-story buildings in the areas in question. Mr. Sanchez stated that they need at least 180 units to receive the 4% tax credit financing that they are trying to receive for this redevelopment. He stated that currently there are 182 units proposed. Mr. Sanchez stated that they could not afford to lose any units by switching from three-story to two-story buildings. He did not feel that the redevelopment would occur if they lost any units on the project.

Chairman Franklin asked if there were plans for additional screening. Mr. Sanchez said yes.

Vice-Chairman Bush asked for details about the additional screening. Mr. Levi Wild, Sanchez and Associates, 402 N. Tennessee St., McKinney, TX, discussed the proposed additional screening.

Vice-Chairman Bush asked if there were any issues with meeting the parking requirements. Mr. Wild stated no, that there is over one parking space per unit which exceeds the senior housing parking requirement in McKinney.

Commission Member Hilton asked to clarify about the difference in number of units that the applicant was proposing and the number of units that could be built if not

all of the buildings were three-story. Mr. Wild felt that they could be going from 182 units down to 164 units with the change in building height. He stated that typically 4% tax credit deals consisted of 215 – 230 units. Mr. Wild felt that 180 units would be the lowest number of units allowed for the 4% credit deal. He stated that 164 units would not be viable.

The following people spoke in favor of the proposed rezoning request. These citizens felt there is a dire need for new affordable housing and transportation for seniors and for people with disabilities in McKinney; Newsome Homes has environmental, health, and safety issues; and Samaritan Inn is not a good fit for seniors.

- Mr. Steve Onorato, 7601 Delaware Dr., McKinney, TX
- Ms. Vicki Hill, Chief Financial Officer for nonPareil Institute, 4012 Hancock Place, Plano, TX
- Ms. Sherry Lyn, 1200 N. Tennessee St., McKinney, TX
- Mr. Mark Theurer, 612 Lewis Canyon Ln., McKinney, TX
- Ms. Julie Smith, 3206 St. Pierre, McKinney, TX
- Mr. Ed Kirkpatrick, 3917 Twin Creek Dr., Arlington, TX
- Mr. Reggie Hollins, 1604 Carrington St., McKinney, TX
- Ms. Connie Crosby, 612 N. Wood St., McKinney, TX
- Mr. Justin Beller, Chairman of the McKinney Housing Authority, 1013 Sherman, McKinney, TX
- Mr. Jeremiah Hammer, McKinney Housing Authority Commission Member, 502 W. College St., McKinney, TX
- Mr. James DeCoste, 150 Enterprise Dr., McKinney, TX

The following people turned in speaker cards in favor of the rezoning request; however, did not speak during the public hearing.

- Micky Leeks, 1200 N. Tennessee St., McKinney, TX
- Cioma Porter, 1200 N. Tennessee St., McKinney, TX

On a motion by Vice-Chairman Bush, seconded by Commission Member Thompson, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Vice-Chairman Bush stated that he was in favor of the rezoning request and noted that none of the surrounding neighbors spoke against the proposed redevelopment.

On a motion by Vice-Chairman Bush, seconded by Commission Member Thompson, the Commission voted unanimously to recommend approval of the rezoning request as recommended by the applicant, with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 4, 2014.

**13-164Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates. L.L.C., on Behalf of Prime Income Management, for Approval of a Request to Rezone Fewer than 70 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Tract 1 is Located on the Southwest Corner of McKinney Ranch Parkway and Ridge Road, Tract 2 is Located on the Northwest Corner of McKinney Ranch Parkway and Stacy Road, Tract 3 is Located on the Northeast Corner of McKinney Ranch Parkway and Stacy Road and Tract 4 is Located on the Southeast Corner of McKinney Ranch Parkway and Ridge Road**

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

Mr. Levi Wild, Sanchez and Associates, 402 N. Tennessee St., McKinney, TX, explained the proposed rezoning request and gave a brief history of the development on the site.

Chairman Franklin asked how many multi-family units they plan to decrease by rezoning the property. Mr. Wild stated that it would be around 2,700 to 6,000 units.

Chairman Franklin asked if these multi-family developments were allowed under the current zoning on the property. Mr. Wild said yes.

Chairman Franklin asked to clarify that the applicant wanted to remove these multi-family units from the property with the proposed rezoning request. Mr. Wild said yes.

Chairman Franklin opened the public hearing and called for comments.

The following people spoke in opposition of the proposed rezoning request. These citizens wished to discuss the future plans for the property with the developer prior to a decision being made, questioned why all of the tracts were being rezoned together, and were in favor of reducing multi-family developments on the property.

- Mr. Brandon Hiner, 6212 Blackstone, McKinney, TX
- Mr. Rob Baker, 3913 Tablestone Dr., McKinney, TX
- Mr. Andrew Sokol, 4116 Plymouth Dr., McKinney, TX

Mr. Wild stated that there was not currently a buyer for the parcels of land. He explained that the landowner wanted to rezone the property to make it more marketable. Mr. Wild stated that he was willing to speak with the surrounding neighbors about the proposed rezoning request.

Mr. Michael Quint, Director of Planning for the City of McKinney, felt that the proposed rezoning request gave a lot more certainty of what could be developed on the property versus what the current zoning allowed on the property.

Commission Member Thompson asked if site plans, plats, etcetera would come before the Commission for review if the proposed rezoning request was approved. Mr. Quint explained that the site plan would be Staff approved as long as they complied with the City's regulations and zoning on the property. He stated that there could be some plats that could come back before the Commission for review.

Chairman Franklin gave an example of the proposed rezoning request not being approved and a new multi-family development occurring that was allowed under the current zoning on the property.

Mr. Wild stated that they were trying to reduce the allowed uses on the property with the proposed rezoning request.

Commission Member Osuna asked if the applicant would be willing to table the request to allow them time to discuss the future plans for the property with the surrounding residents. Mr. Martin Sanchez, Sanchez and Associates, Inc., 402 N. Tennessee St., McKinney, TX, gave an example of how the property owner could change his mind on reducing the multi-family development on the property if someone offered him enough money and the proposed rezoning request was not approved.

Chairman Franklin asked about the various uses that were being proposed to be removed from the zoning on the property with the proposed rezoning request. Mr. Sanchez stated that they had worked with Staff to agree upon a list of uses that were not appropriate at the high-end retail locations and that they were recommending to remove these uses. Mr. Brandon Opiela, Planning Manager for the City of McKinney, read a list of allowed uses that would be removed if the proposed rezoning request was approved.

Chairman Franklin asked Mr. Wild if he was committed to meet with the surrounding residents prior to the City Council meeting on February 18, 2014. Mr. Wild said yes.

On a motion by Commission Member Thompson, seconded by Commission Member Hilton, the Commission voted unanimously to recommend approval of the rezoning request as recommended by staff, with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 18, 2014.

**13-237PR2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by McKinney Economic Development Corporation, for Approval of a Preliminary-Final Replat for Lots 1R1, 2R and 3R, Block B, of the University Business Park Addition, Being Fewer than 32 Acres, Located on the Southeast Corner of Bray Central Drive and Commerce Drive**

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

The applicant was not present to make a presentation.

Chairman Franklin opened the public hearing and called for comments.

Mr. Arlyn Samuelson, Pogue Engineering & Development Co., 1512 Bray Central Dr., McKinney, TX, offered to answer questions regarding the proposed preliminary-final replat. There were none.

The Commission voted unanimously on a motion by Commission Member Kochalka, seconded by Commission Member Gilmore, to approve the proposed preliminary-final replat request as recommended in the staff report, with a vote of 7-0-0.



Chairman Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final replat.

**13-256PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by Denton Loop 288, L.P., on Behalf of QuikTrip Corporation and Community Bank of Raymore, for Approval of a Preliminary-Final Replat for Lots 1-4, Block A, of the Denton Loop 288 Addition, Being Fewer than 15 Acres, Located on the Southwest Corner of Henneman Way and Stacy Road**

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

Mr. Glenn Calvert, CWA Architects, 1004 N. Graves St., McKinney, TX, stated that he was the architect for the proposed Burger King and Popeyes restaurants at this location.

Chairman Franklin opened the public hearing and called for comments. There being none, on motion by Commission Member Gilmore, seconded by Commission Member Thompson, the Commission unanimously approved the proposed preliminary-final replat request as recommended in the staff report, with a vote of 7-0-0.

Chairman Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final replat.

**13-275PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by Winkelmann & Associates, Inc., on Behalf of Minerva Partners, Ltd., for Approval of a Preliminary-Final Replat for Lots 1R, 2R, and 3R, Block A, of the Water Tower Addition, Being Fewer than 8 Acres, Located on the South Side of Virginia Parkway and approximately 300 Feet West of Custer Road**

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

Mr. Stephen Hubach, Winkelmann & Associates, Inc., 6750 Hillcrest Plaza Dr., Dallas, TX, offered to answer questions regarding the proposed preliminary-final replat. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on motion by Commission Member Kochalka, seconded by Commission

Member Hilton, the Commission unanimously approved the proposed preliminary-final replat request as recommended in the staff report, with a vote of 7-0-0.

Chairman Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final replat.

Chairman Franklin declared the meeting adjourned at 7:30 p.m.

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RICK FRANKLIN  
Chairman