

PLANNING AND ZONING COMMISSION

JANUARY 22, 2013

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 22, 2013 at 6:30 p.m.

Commission Members Present: Chairman Robert S. Clark, Vice-Chairman Rick Franklin, George Bush, Jim Gilmore, Matt Hilton, David Kochalka, and Larry Thompson

Commission Members Absent: none

Staff Present: City Attorney Alan Lathrom, Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Assistant Director of Planning Kevin Spath, Planning Managers Brandon Opiela and Ross Altobelli, Planner II Alex Glushko, Planners Samantha Gleinser and Leo Bethge, Historic Preservation Officer Guy Giersch, and Administrative Assistant Terri Ramey

Consultants Present: Scott Polikov and Jayashree Narayana with Gateway Planning Group

There were approximately forty guests present.

Chairman Clark called the meeting to order at 6:30 p.m. after determining a quorum was present.

Chairman Clark 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 could be forwarded on to City Council. Chairman Clark 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 three minutes and speak only once. Chairman Clark 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 issues.

Vice-Chairman Franklin stepped down during the consideration of the Consent Items, due to a possible conflict of interest.

The Commission approved the motion by Commission Member Kochalka, seconded by Commission Member Hilton, to approve the following five Consent Items

as conditioned in the staff reports with a vote of 6-0-1. Vice-Chairman Franklin abstained.

**13-088 Minutes of the Planning and Zoning Commission
Regular Meeting of January 8, 2013**

12-134PF Consider/Discuss/Act on the Request by Retail Buildings, Inc. and Carrington Partners, L.P., for Approval of a Preliminary-Final Plat for Lots 1-3, Block A, of the Braum's Addition, Approximately 3.60 Acres, Located on the Southwest Corner of Eldorado Parkway and Hudson Crossing

12-237PF Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of VCIM Partners, L.P., for Approval of a Preliminary-Final Plat for Lots 1R and 2R, Block A, of the Vantrust Office Complex Addition, Being Fewer than 16 Acres, Located on the Southwest Corner of Henneman Way and Weiskopf Avenue

12-178PF Consider/Discuss/Act on the Request by Debbie Anns Properties L.P., on Behalf of VFB Family Limited Partnership, for Approval of a Preliminary-Final Plat for Lots 1 and 2, Block A, of the DAP 380 Addition, Being Fewer than 2 Acres, Located Approximately 1,075 Feet West of Bois D'Arc Road and on the South Side of U.S. Highway 380 (University Drive).

12-218PF Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of McKinney Seven 31, L.P., Craig Ranch II, L.P., and VCIM Partners, L.P., for Approval of a Preliminary-Final Plat for Lot 1R and Lot 2R, Block A and Common Areas A and B of the Parkside at Craig Ranch Addition, Henneman Way, Meyer Way, and Road "A", Being Fewer than 50 Acres, Located Generally on the Northwest Corner of Alma Road and Future Henneman Way

END OF CONSENT

Vice-Chairman Franklin returned to the meeting.

Chairman Clark continued the meeting with the Regular Items on the agenda.

Commission Member Kochalka stepped down during the consideration of the following item, due to a possible conflict of interest.

13-019MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn and Associates, Inc., on Behalf of McKinney EDC, for Approval of a Minor Replat for Lot 3, Block A, of the McKinney Bridge Street Town Centre Addition, Being Fewer than 13 Acres, Located on the Northeast Corner of Spur 399 and U.S. Highway 75 (Central Expressway)

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the proposed minor replat. He stated that Staff recommends approval of the proposed minor replat as conditioned in the Staff Report.

The applicant did not wish to make a comment.

Chairperson Clark opened the public hearing and called for comments. There were none.

The Commission approved the motion by Commission Member Thompson, seconded by Commission Member Gilmore, to close the public hearing and approve the proposed minor replat as conditioned on the staff report with a vote of 6-0-1. Commission Member Kochalka abstained.

Chairman Robert Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

Commission Member Kochalka returned to the meeting.

12-215SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dallas Design Build, on Behalf of VFB Family Limited Partnership, for Approval of a Site Plan for Two Office/Warehouse Buildings, Being Less than 1 Acre, Located Approximately 1,075 Acres West of Bois D'Arc Road and on the South Side of U.S. Highway 380 (University Drive)

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

The applicant did not wish to make a comment.

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

The Commission unanimously approved the motion by Vice-Chairman Franklin, seconded by Commission Member Gilmore, to close the public hearing and approve the proposed site plan as conditioned in the staff report.

Chairman Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed site plan.

12-225Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of Today McKinney Ranch II, L.P., for Approval of a Request to Rezone Fewer than 34 Acres from "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development

District and "REC" - Regional Employment Center Overlay District, to Allow for Single Family Residential and Commercial Uses, Located on the Northeast Corner of Stacy Road and Future Collin McKinney Parkway (REQUEST TO BE TABLED)

Mr. Alex Glushko, Planner II for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely to allow the applicant additional time to modify the proposed layout. Staff will re-notify for an upcoming public hearing.

Mr. Martin Sanchez, 220 E. Virginia Street, McKinney, TX, concurred with the staff report.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Bush, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and table the proposed rezoning request indefinitely as recommended by Staff.

Chairman Clark stated that the following two items (12-222M and 13-001M) would be discussed together and no action would be taken on them during this meeting.

12-222M Conduct a Public Hearing to Consider/Discuss the Request by the City of McKinney to Create Appendix G-1 (McKinney Town Center Regulating Plan) and Appendix G-2 (McKinney Town Center Zoning District Regulations) in the Zoning Regulations (Chapter 146 of the Code of Ordinances); to Amend Sections 6 (Zoning Districts Established), 40 (Nonconforming Uses and Nonconforming Structures), 45 (Site Plan Approval), 95 (MTC McKinney Town Center District), 96 (CHD Commercial Historic District), 129 (Height and Area Exceptions, and Minimum Distances Between Specific Uses), 130 (Vehicle Parking), 131 (Off-Street Loading), 132 (Fences, Walls, and Screening Requirements), 135 (Landscape Requirements), 137 (Communications Antennas, Satellite Dishes and Support Structures/Towers), 138 (Open Storage and Outdoor Display), 139 (Architectural and Site Standards), 141 (Residential Development Design Requirements), 163 (Planning and Zoning Commission), 167 (Historic Preservation Officer), 168 (Designation of Historic Landmarks and Districts), Appendix C-1 (McKinney Commercial Historic District Map), Appendix C-2 (Historic District Map), Appendix F-1 (Schedule of Areas, Densities, Heights, Lot Coverages, Setbacks and Yards), and Appendix F-4 (Schedule of Uses) of the Zoning Regulations (Chapter 146 of the Code of Ordinances); to Amend Section 155 (Exemptions) of the Subdivision Regulations (Chapter 142 of the Code of Ordinances); and to Amend Section 9 (Downtown Commercial Historic District) of the Sign Regulations (Chapter 134 of the Code of Ordinances).

13-001M Conduct a Public Hearing to Consider/Discuss the Request by the City of McKinney to Rezone Fewer Than 262 Acres from "AG" - Agricultural District, "RS 60" - Single Family Residence District, "RG 18" - General Residence District, "BG" - General Business District, "BN" - Neighborhood Business District, "CHD" - Commercial Historic District, "GC" - Governmental Complex District, "MH" - Heavy Manufacturing District, "ML" - Light Manufacturing District, "PD" - Planned Development District and "H" - Historic Preservation Overlay District to "MTC" - McKinney Town Center District, "CHD" - Commercial Historic Overlay District and "H" - Historic Preservation Overlay District, Located in the Area Generally East of Benge Street, West of Carver Street, South of Watt Street and North of Standifer Street as well as in the Area Generally East of McDonald Street, South of Elm Street, and West of the Dallas Area Rapid Transit Rail Right-of-Way.

Mr. Kevin Spath, Assistant Director of Planning for the City of McKinney, discussed items # 12-222M and 13-001M. He stated that the first item # 12-222M is a proposed textual amendment to the City of McKinney Zoning Ordinance for the purpose of adopting and integrating the "MTC" – McKinney Town Center zoning district regulations and the second item # 13-001M is a proposed map amendment of McKinney's official zoning map for the purpose of rezoning approximately 262 acres (approximately 616 parcels) to the "MTC" – McKinney Town Center zoning district, assuming that the proposed "MTC" – McKinney Town Center zoning district is adopted. Mr. Spath explained that the proposed rezoning is one of the most critical implementation elements of Phase 2 of the Town Center Study Initiative and that the proposed "MTC" – McKinney Town Center zoning district has been under development since 2010. Mr. Spath explained that the requested rezoning would not change any of the historic preservation regulations currently in effect and that it would not displace any current property owners/users. He stated that the new form-based zoning is intended to help preserve, enhance, and grow McKinney's unique and historic Town Center and gave examples. Mr. Spath also gave a brief history of both items. He recommended that a public hearing be held. Mr. Spath stated that Staff would be requesting approval of both items (12-222M and 13-001M) at the joint City Council and Planning and Zoning Commission meeting scheduled to be held on February 25, 2013.

Chairperson Clark opened the public hearing on both items # 12-222M and 13-001M and called for comments. He restated that the Planning and Zoning Commission would not be taking any action on these two items at this meeting.

The following eight citizens spoke regarding these two items # 12-222M and 13-001M. These citizens had questions about how the proposed changes would affect their specific properties, if there was a possibility of eminent domain, how the changes would affect the cotton compress site, how the geographic area for the proposed rezoning was determined, the method by which the overall size of the “MTC” – McKinney Town Center zoning district could be increased in the future, and if some modified engineering standards for public improvements such as streets could be included in the amendments. Several of these citizens spoke in favor of the proposed changes. None of these citizens voiced any specific objection to the proposed changes.

- Mr. Larry Jagours, 603 N. Chestnut Street, McKinney, TX
- Rev. Winston Douglas, St. James Church, 3349 Woodberry Lane, McKinney, TX
- Ms. Alice Johnson, 506 N. Chestnut Street, McKinney, TX
- Ms. Cleo Holloway, 1006 Roosevelt, McKinney, TX
- Mr. Maurice Malvern, 405 Watt Street, McKinney, TX
- Mr. Jason Rose, J.R. Rose Architects, 2120 Cosmos Way, Argyle, TX
- Mr. Jesse McGowen, 807 Hight Street, McKinney, TX
- Ms. Hanette Arroyo, 712 Dudperkins, McKinney, TX

Mr. Kevin Spath, Assistant Director of Planning for the City of McKinney, offered to meet with property owners one-on-one to discuss specific properties within the proposed area. He explained that Ms. Cleo Holloway and Ms. Hanette Arroyo’s properties were not included within the proposed rezoning area and stated that they received public hearing notices due to the fact that their properties are within 200’ of the subject area. Mr. Spath stated that the proposed rezoning has nothing to do with eminent domain and that the City has no plans to take any properties with the proposed changes. He explained that the proposed changes are intended to help attract future investment to the area for redevelopment, help preserve the character of the area, and help streamline the development process. He explained that, in the future, any proposals to increase the overall size of the “MTC” – McKinney Town Center zoning district would need to go through the rezoning process and be approved by City Council. Mr. Spath stated that currently there is no historic preservation overlay zoning district on the east side of McDonald Street. He stated that, if the proposed changes

are adopted, the cotton compress buildings would likely become non-conforming buildings; however, the proposed changes would provide the property owner more flexibility in how to reuse them.

Mr. Scott Polikov, President of Gateway Planning Group, explained that, with these proposed changes, Staff is proposing to align the vision of the City's adopted Town Center Master Plan with the City's Zoning Ordinance regulations.

Mr. Polikov stated that the proposed changes are intended to help reconnect the properties on the east side of McDonald Street with the properties in the historic square area on the west side of McDonald Street. He stated that the proposed changes are also intended to help maintain the character and charm of the neighborhoods and encourage compatible redevelopment for this area.

Commission Member Gilmore asked how the proposed changes would affect resale of properties in the area. Mr. Spath stated that the proposed changes are intended to give the property owners more development possibilities for their properties.

Chairman Clark asked how the proposed changes would benefit property owners. Mr. Spath explained that the proposed changes would help property owners who wish to redevelop their properties by improving the development process. He stated that the proposed changes would help attract additional investment to and revitalization of this area over the long term. Mr. Spath stated that implementation of the proposed changes is one of the key assumptions behind the projected long-term growth of the Town Center Tax Increment Reinvestment Zone (TIRZ #1) which was created by the City in 2010. Mr. Polikov also clarified that homeowners can stay in their homes and would not need to worry about having to move.

Commission Member Thompson asked about the differences between form-based zoning and standard zoning. Mr. Michael Quint, Director of Planning for the City of McKinney, explained that form-based zoning generally focuses more on the form and functional design of buildings, mixing of uses, character, and sense of place versus standard zoning (also called Euclidean zoning) that primarily focuses on separating certain uses.

On a motion by Commission Member Thompson, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing.

Chairman Clark restated that no action would be taken on these two items at this meeting.

Mr. Quint stated that the next public hearing would be at the joint City Council and Planning and Zoning Commission meeting scheduled for February 25, 2013. Mr. Quint also encouraged any citizens with parcel-specific questions to meet one-on-one with Staff and the consultant team in the lobby immediately following these items.

12-223M Conduct a Public Hearing to Consider and Discuss the Request by the City of McKinney, to Amend Section 146-46 (Definitions), Section 146-130 (Vehicle Parking), Section 146-139 (Architectural and Site Standards), and Appendix F, Section F-4 (Schedule of Uses) of the Zoning Ordinance as these Sections Pertain to Multi-Family Residential Uses, Senior Multi-Family Residential Uses, Independent Living Uses, and Assisted Living Uses

Mr. Michael Quint, Director of Planning for the City of McKinney, discussed the proposed amendments to the Zoning Ordinance that pertain to Multi-Family Residential Uses, Senior Multi-Family Residential Uses, Independent Living Uses, and Assisted Living Uses. He recommended that a public hearing be held. Mr. Quint stated that Staff would be requesting approval of the proposed amendments at the joint City Council and Planning and Zoning Commission meeting being held on February 25, 2013.

Chairperson Clark opened the public hearing and called for comments.

Vice-Chairman Franklin proposed changing the proposed parking requirements to 30% enclosed garages and 20% covered parking. Chairman Clark and Mr. Quint stated that this option could be discussed at the joint City Council and Planning and Zoning Commission meeting being held on February 25, 2013.

On a motion by Commission Member Thompson, seconded by Vice-Chairman Franklin, the Commission voted unanimously to close the public hearing.

Mr. Quint reminded the Commission Members that there are some training opportunities available.

Chairman Clark declared the meeting adjourned at 7:45 p.m.