

PLANNING AND ZONING COMMISSION

SEPTEMBER 23, 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, September 23, 2014 at 6:00 p.m.

Commission Members Present: Chairman Rick Franklin, Vice-Chairman George Bush, Jim Gilmore, Matt Hilton, Mark McReynolds, Dick Stevens, and Larry Thompson

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Managers Brandon Opiela and Matt Robinson, Planner II Samantha Pickett, Landscape Architect Emily Braht, and Administrative Assistant Terri Ramey

There were twenty-five 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.

- 14-250PF Consider/Discuss/Act on the Request for Approval of a Preliminary-Final Plat for 123 Single Family Residential Lots and 4 Common Areas, Being Fewer than 30 Acres, Located Approximately 1,900 Feet North of Eldorado Parkway and on the East Side of Custer Road**

END OF CONSENT

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

- 14-227Z Conduct a Public Hearing to Consider/Discuss/Act on the Request for Approval to Rezone Fewer than 26 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the South Side of Westridge Boulevard and Approximately 320 Feet West of Independence Parkway; and on the South Side of Westridge Boulevard and on the East Side of Coit Road (REQUEST TO BE TABLED)**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled to the October 14, 2014 Planning and Zoning Commission meeting due to public hearing notification signs not being posted on the subject property by the applicant in the timeframe required by the Zoning Ordinance.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Hilton, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request to the October 14, 2014 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

- 14-229Z Conduct a Public Hearing to Consider/Discuss/Act on the Request for Approval to Rezone Less than 1 Acre from "BN" - Neighborhood Business District to "C1" - Neighborhood Commercial District, Located on the Northwest Corner of Louisiana Street and Graves Street**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request.

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

14-171Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request for Approval to Rezone Fewer than 13 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 Allow for Single Family Detached Residential Uses and Modify the Development Standards, Located on the South Side of McKinney Ranch Parkway and East Side of Ridge Road

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that additional letters of support were distributed to the Commission prior to the meeting. Ms. Pickett stated that Staff recommends denial of the proposed rezoning request due to lack of conformance with the Comprehensive Plan and the inability to ensure a level of exceptional quality or innovation for the design or development of the subject property as required by Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance.

Vice-Chairman Bush asked for the median lot size under the current zoning. Ms. Pickett stated that it would range from 1,800 square feet to 4,500 square feet.

Commission Gilmore asked how many acres were set aside for commercial development under the current zoning. Ms. Pickett thought it was currently 4.04 acres. Mr. Michael Quint, Director of Planning for the City of McKinney, suggested deferring the question to the applicant.

Mr. Levi Wild, Sanchez and Associates, 402 N. Tennessee St., McKinney, TX, explained the proposed rezoning request and the reasons for the changes.

Commission Member Gilmore asked about the price point for the project. Mr. Wild stated that the surround residential properties were between \$375,000 and \$440,000. He felt that the residential properties in this development would sell for around the same amount.

Chairman Franklin asked about the commercial development planned for the property. Mr. Wild stated that he expected it to be more doctor offices, dental offices, daycare, et cetera. He stated that it would not be more intensive uses, like a gas station.

Chairman Franklin asked if not having a median break would cause any issues with the proposed development. Mr. Wild said no.

Chairman Franklin opened the public hearing and called for comments.

Mr. Andrew Sokol, 4116 Plymouth Dr., McKinney, TX, spoke in favor of the request. He liked that the proposed development would be less dense than the current zoning.

The following residents turned in Speaker Cards in favor of the request; however, did not wish to speak during the meeting:

- Angela Sokol, 4116 Plymouth Dr., McKinney, TX
- Christina Simpson, 5808 Silver Buckle Dr., McKinney, TX

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

Commission Member Gilmore asked if the property across the street would all be retail development. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that property allowed a wide range of non-residential uses.

Commission Member Hilton asked about the dwelling units per acre for the Saddle Club development. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that it was about 4.9 dwelling units per acre.

Commission Member Hilton asked Staff to expand upon the lack of exceptional quality or innovation design issue. Mr. Opiela stated that an exceptional quality or innovative design was required for a "PD" – Planned Development District; however, the applicant did not provide a provision satisfying either with this request. Mr. Quint stated that the applicant was trying to get away from the "REC" – Regional Employment Center Overlay District requirements.

Vice-Chairman Bush stated that he felt the proposed zoning was better than the current zoning on the property.

Commission Member Hilton felt the applicant should provide a higher quality design or development for the rezoning request.

Commission Member Gilmore asked if the greenbelt was still provided for with this rezoning request. Mr. Opiela stated that open space was shown for the development. Mr. Wild pointed out the proposed greenbelt on the overhead projection.

Mr. Wild offered to increase the landscaping on the development to meet the exceptional quality or innovation requirement.

Commission Member Hilton asked about the screening between the commercial and residential developments on the property. Mr. Quint stated that a six-foot screening device and a ten-foot landscape buffer with canopy trees planted on 40-foot centers would be required.

On a motion by Vice-Chairman Bush, seconded by Commission Member Thompson, the Commission voted unanimously to recommend approval of the proposed rezoning request as requested by the applicant with the special ordinance provisions listed in the Staff report, with a vote of 7-0-0.

14-223CP Conduct a Public Hearing to Consider/Discuss/Act on the Request for Approval of a Concept Plan for Commercial, Retail, Restaurant and Self-Storage Uses, Being Fewer than 30 Acres, Located on the Northeast Corner of Stacy Road and State Highway 121 (Sam Rayburn Tollway)

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed concept plan request. She stated that Staff recommends approval of the requested concept plan as conditioned in the Staff report.

Mr. Tony Callaway, 1207 Hampshim Ln., Richardson, TX, explained the proposed concept plan request.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing and recommend approval of the proposed concept plan as recommended by Staff.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 21, 2014.

14-224SP Conduct a Public Hearing to Consider/Discuss/Act on the Request for Approval of a Site Plan for a Self-Storage Facility, Being Fewer than 4 Acres, Located Approximately 1,200 Feet North of State Highway 121 (Sam Rayburn Tollway) and on the East Side of Stacy Road

Ms. Samantha Pickett, Planner II 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.

Mr. Joshua Baran, JAB Engineering, 4500 Williams Dr., Georgetown, TX, concurred with the Staff report.

Vice-Chairman Bush asked if they were planning to build a single building or a traditional warehouse. Mr. Baran stated that the large center building would be a three-story climate-controlled building. He stated that the exterior buildings would be single-story and would be facing inward toward the larger center building. Mr. Baran felt it would look more like an office building development.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and recommend approval of the proposed site plan as conditioned in the Staff report, 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 October 21, 2014.

14-117PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request for Approval of a Preliminary-Final Replat for Lots 29R1, 32R1, 35R1, 36R, 37-39 and Common Area A-4R1, Block A, of the Aero Country East Addition, Being Fewer than 30 Acres, Located Approximately 650 Feet North of Virginia Parkway and on the East Side of Swick Lane

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained the proposed preliminary-final replat. He stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report.

The applicant was not present at the meeting.

Chairman Franklin opened the public hearing and called for comments.

Mr. Carl Best, 2604 Winterstone Dr., Plano, TX, stated that he was the Vice President of the Aero Country Property Owners Association. He briefly discussed some of the issues they had with Aero Country. He stated that they had not been notified about the proposed preliminary-final replat by the applicant. Mr. Best shared a photograph showing that the drainage ditch has not been maintained by the applicant. He expressed concerns about how the applicant planned to develop the property and the possible lack of maintenance of the property.

Commission Member Gilmore asked if the applicant had approached the Aero Country Property Owners Association with their proposed plans for the property. Mr. Best said no and that they had an obligation to do so. He stated that they learned about the request on Friday and only had the weekend to prepare for it.

Commission Member Stevens had questions about the legal issues between Aero Country and the Aero Country Property Owners Association. Mr. Best stated that Aero Country wanted to get out of the land use restrictions that they initially agreed upon. He stated that was not what they had agreed upon.

Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the request met the City's requirements; therefore, it must be approved. He stated that the City of McKinney did not get involved with third-party agreements.

On a motion by Commission Member Thompson, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and 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 was the final approval authority for the preliminary-final replat.

14-216SP Conduct a Public Hearing to Consider/Discuss/Act on the Request for Approval of a Site Plan for an Automobile Service Facility (America's Lube and Tune), Being Less than 1 Acre, Located on the North Side of Eldorado Parkway and Approximately 875 Feet East of Stonebridge Drive

Ms. Samantha Pickett, Planner II 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.

Mr. Eduardo Vidargas, 2410 Luna Rd., Carrollton, TX, explained the proposed site plan.

Chairman Franklin opened the public hearing and called for comments.

Mr. George Nellickunnel, 7621 Burton Ln., McKinney, TX, expressed concerns regarding possible noise issues, strong smells, unsightly view of cars needing to be repaired, groundwater contamination, and decreased property values for surrounding properties.

Chairman Franklin asked Staff if the use was allowed under the current zoning. Mr. Michael Quint, Director of Planning for the City of McKinney, said yes. He stated that the request had met all of the City's requirements for approval of the site plan.

Commission Member Gilmore asked if there would be a buffer between the business and the surrounding residential neighbors. Ms. Pickett said yes, if directly adjacent to residential property, they would be required to provide a screening wall and landscaping.

Commission Member Gilmore expressed concerns about the location of the dumpster. Mr. Quint stated that the Commission could make recommendations as to where the dumpster should be located on the property. Chairman Franklin thought it would be nice if the applicant would agree to move the dumpster on the property. Commission Member McReynolds expressed concerns that moving the dumpster to other locations on their property could cause the same issues with the residential neighbors located near that location.

Mr. Vidargas stated that they proposed that location for the dumpster so that it would not face the street. He stated that they would be willing to move the dumpster. Mr. Brandon Opiela, Planning Manager for the City of McKinney, suggested that the new proposed location for the dumpster would need to be reviewed by the City's Sanitation Department to verify that there would not be any other issues.

On a motion by Commission Member Hilton, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing and approval of the proposed site plan as conditioned in the Staff report, with the recommendation to move the dumpster to a new location on the property after being reviewed by City Staff to verify there would not be any issues with the new location, with a vote of 7-0-0.

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

14-946 Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend Landscape Requirements, Tree Preservation and Appendix A (Plants Approved For Landscape Requirements) of Chapter 146, of the Zoning Regulations

Ms. Emily Braht, Landscape Architect for the City of McKinney, explained the proposed amendments to Chapter 146 of the Zoning Ordinance.

Commission Member McReynolds asked who currently provided the landscape plans. Ms. Braht stated that it varies. She stated that currently a Landscape Architect or possibly an Engineer on the project could submit the landscape and screening plans.

Commission Member McReynolds expressed concerns about limited it to just a Landscape Architect and the additional time and money that may be involved. He asked when a Landscape Architect would not need to be involved under the new regulations. Ms. Braht stated that a Landscape Architect would not be needed on smaller projects. She stated that on larger projects a Landscape Architect could add to the quality of the project. Ms. Braht stated that it took more time on larger projects when a Landscape Architect was not involved. Commission Member McReynolds felt that it needed to be defined in the requirements as to when a Landscape Architect was required and when they were not required on a project.

Chairman Franklin asked if there was a timeframe as to when a landscape plan was submitted that the applicant would receive comments from Staff. Ms. Braht said yes. Mr. Quint stated that there were internal review timelines on responding to submittals and revisions. He stated that Staff tracks that these deadlines are met.

Commission Member Gilmore asked if the Homeowner's Association (HOA) could trump the City's landscaping requirements. Mr. Quint stated that a HOA could be more restrictive than the City's requirements; however, not less restrictive.

Ms. Braht stated that the Appendix A was a starting point for suggested landscaping. She stated that she was willing to research into other planting materials to see if they would work well in our area or not if an applicant wished to use a different planting material.

Chairman Franklin opened the public hearing and called for comments.

Mr. Thomas George, 1208 Forest Lake Cir., McKinney, TX, stated that he was a Stonebridge Ranch HOA Board Member and Liaison to the Landscape and Grounds Committee. He requested that the request be tabled to allow more time to review the approved plant list. Mr. George stated that Stonebridge Ranch recently reviewed their approved plant list with various experts, which he distributed copies to the Commission

and Staff. He stated that the Stonebridge Ranch Landscape and Grounds Committee would like to work with Staff on the City's approved plant list. Commission Member Gilmore stated that Stonebridge Ranch could have their own approved plant list that was different from the City's approved plant list. Mr. George stated that they wanted to share what they had learned during their update. Commission Member Stevens was in favor of the City Staff working with the Stonebridge Ranch Landscape and Grounds Committee. Ms. Braht stated that she was willing to work with them.

On a motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, the Commission voted to close the public hearing and table the proposed changes to Chapter 146 of the Zoning Ordinance to the October 28, 2014 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 4-3-0. Commission Members Hilton, Stevens, and Thompson voted against the motion.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Chairman Franklin and Michael Quint, Director of Planning for the City of McKinney, thanked Vice-Chairman Bush and Commission Member Thompson for their service on the Planning and Zoning Commission.

There being no further business, Chairman Franklin declared the meeting adjourned at 7:20 p.m.

RICK FRANKLIN
Chairman