

From: Robert E. Sampsell, 720 Chapel Hill Lane, McKinney TX 75069  
Date: January 12, 2016  
Subject: Revisions to Draft Minutes for 12/8/15 P&ZC Meeting  
To: Terri Raynes, City Secretary (McKinney), City Attorney (McKinney)

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### **GENERAL ISSUE WITH THE MINUTES:**

In my opinion, it is a travesty and a disgrace that the P&ZC voted to table 15-113Z. This planning case has already burned through 32 weeks, 11 submittals, over 100 records, and two P&ZC meetings. The Commissioners listened to comments and protests and engaged in discussion for two hours at the December 8th meeting. Some 50 homeowners attended in protest of the proposed zoning change. Three homeowners made comprehensive and factual presentations in opposition to the proposed zoning change. Six more homeowners made impassioned and heartfelt statements supporting their opposition to the proposed zoning change. And 93% of the 44 private homeowners within the 200 foot notification area signed formal Written Zoning Change Protest petitions which were submitted to the City Secretary on November 28, 2015.

### **Yet the Planning & Zoning Commission was unable to disposition the proposed change.**

- The Commission voted to **table the request** to the January 26 Planning and Zoning Commission meeting, with a vote of 5-1-0. Commission.
- Chairman Cox stated that he would “encourage” the applicant, adjacent property owners, and City Staff to meet and “work out some of the various concerns.”

So the Planning & Zoning Commission took no action. The 15-113Z zoning request has no status. We're back to what — 11 submittals, over 100 documents, and the staff's recommendation to approve? What about the 8 Citizen presentations? What about all the discussion? What about all the issues? Precisely what new information is required for the P&ZC to be able to make a decision?

More to the point: What additional information will be required for the P&ZC to formally acknowledge the glaring deficiencies in the submittal and management of the present application? And to do the obvious: Deny the application and kick it out of the system. Start from scratch with a clean slate so that the process can be transparent and accountable. And so that it can be fair.

Transparency and accountability are the foundation of self governance. But McKinney — the “#1 city” that is “Unique by Nature” and where the Citizen occupies the top spot in the org chart — simply doesn't conduct business in a responsible, responsive, transparent, and accountable manner. In my opinion, McKinney has lost the blue print. The City chooses convenience and expediency over Development Regulations established by City Ordinance and based on V.T.C.A Local Government Code Chapter 211. And I think it's a travesty and a disgrace.

## **SPECIFIC ISSUES WITH THE MINUTES:**

1. Page 4, 3rd line: Change “three letters of support” to read “two formal ‘Zoning Change Written Protest petitions signed by 93% of the private property owners within the 200 foot notification area”.
2. Page 4, 5th paragraph, “Mr. Schell stated that he had invited the Chapel Hill property owners to a meeting to discuss the proposed project and their concerns. He stated that only 8 – 10 homeowners showed up to the meeting to discuss their concerns.”

### **Corrections:**

- a. Mr. Schell agreed to a meeting with the homeowners at my insistence. The meeting was held October 27, 2015, and there were more than 50 Chapel Hill homeowners in attendance. Homeowners occupied the entire conference table in the Hillcrest Church as well as several rows of pews.
- b. Mr. Schell provided almost no information about his proposed project. He had no handouts and his single overhead slide was a view graph with Sapient LLC on it. Mr. Schell introduced Mr. Boone Nerren as the “money man.” Mr. Schell indicated that he (Mr. Schell) would invest none of his own funds; that financing would be 100% investor-funded; and that his son would be the Construction Superintendent. Mr. Schell avoided answering questions about his son’s credentials and qualifications. However, he affirmed that he had developed residential properties at Adriatica and Craig Ranch.

Homeowners determined these assertions to be false as a result of making personal telephone inquiries to the principals for Adriatica and Craig Ranch.

- c. I personally challenged Mr. Schell about the total lack of any credible public information that would establish his and his team’s qualifications & experience . I explained that his business entities were LLC’s that presented a confusing web of relationships but with no information available through public sources. He acted surprised and committed to proving me with qualifications & experience data promptly, which he never did.
  - d. The homeowner consensus was overwhelmingly that Mr. Schell participated in the meeting only to placate objecting or concerned homeowners in an effort to avoid opposition at the Planning & Zoning and City Council meetings.
3. Page 6: Comments of David Patterson. These comments are grossly over-generalized. Mr. Patterson, who is a stormwater management expert and a Professional Engineer, made the following statements which can be verified with the session Video:

“Mr. David Patterson, 705 Chapel Hill Lane, McKinney, TX, discussed some of his concerns regarding drainage issues and the capacity of the existing storm sewer through Chapel Hill. This 54” storm sewer was constructed along with the first phase of Chapel Hill and was sized to allow for a certain amount of increased runoff from upstream development. Based on the as-built plans provided by the city, he cited three areas of surrounding future development that would add to the runoff. 1) Graves/Rockhill Roads, runoff from existing conditions are included in the excess capacity, but no increase was addressed in the plans. Some increase in flow will occur with the widening of the roads, 2) in addition to the existing condition flows, the approved plans for the First Baptist Church show future conditions with an increase in flow, 3) Vintage Place, some level of increase was accounted for this area. He

expressed concern that if the level of development for the last two is maxed out as proposed, the storm sewer will be over capacity. He said that this should not be allowed to occur. In addition, Mr. Patterson felt that there was not enough capacity to handle all of this future drainage at the capacity proposed and that the first to construct should not be allowed to use up the excess capacity. The city has a choice between the high density residential or the previously approved plans for the church or a balanced approach.

There is an existing drainage swale in a 30 foot drainage easement on the southern portion of the property. He also expressed concerns regarding possible damage to the existing tree line between the developments if this swale is filled.”

4. Page 12 - 16. The discussion is too broad to address on an item basis. In general, the discussion focussed on the following issues:
  - a. Impacts on schools (only superficially addressed by the City)
  - b. traffic issues (only superficially addressed by the City)
  - c. Drainage issues (only superficially addressed by the City). Ms. Pickett stated: A study would need to be completed for the property; they would need to show that the flow they were putting out when they construct could be contained or they have to detain on the property or make improvements; and the Engineering Department would be closely monitoring it.
  - d. Decrease in density
  - e. Increase in the encroachment space
  - f. The requested height increase to 38’
  - g. Elevation renderings for all four sides of any proposed structures
  - h. The lack of a site plan. Ms Pickett’s statements demonstrate that Planning does not require site plans strictly as a matter of convenience and expediency:

“Ms. Pickett stated that in the past when a distinct layout was tied down that there were issues going forward. She briefly discussed several “PD” – Planning Development Districts that had to be rezoned because they could not work within the confines of the layout that was tied down. Ms. Pickett stated that was a lot of detail and work was required, and Staff typically did not ask applicants to commit to that when a rezoning request was talking about land use and entitlements. She stated that the engineering required on this project would be extensive. Ms. Pickett stated that it would be required at the platting stage when it was appropriate. She stated that right now the applicant was only asking if they could build single family houses on the property.”

- i. Emergency services (only superficially addressed by the City)
    - j. Privacy issues.
5. Page 16, Vote to Table.
  - a. Commission Member Egan recommended **denying the request** due to the proposed higher density and a lack of information. He also stated that he would like to see an informational only site plan to justify the numbers submitted. Commission Member Kuykendall agreed with Commission Member Egan.

- b. The Commission voted to ***table the request*** to the January 26, 2016, Planning and Zoning Commission meeting, with a vote of 5-1-0. Commission.
- c. Chairman Cox stated that he would encourage the applicant, adjacent property owners, and City Staff to meet and work out some of the various concerns.