

**Planning and Zoning Commission Meeting Minutes of January 12, 2016:**

**15-310Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "SF5" - Single Family Residence District, Located Approximately 1,500 Feet North of Virginia Parkway and Approximately 1,260 Feet East of Lake Forest Drive**

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Alternate Commission Member Mantzey asked if the density was similar to the surrounding subdivisions. Ms. Galicia stated that she was not sure which district the surrounding neighborhood was using. She stated that the recent Lake Forest rezoning request was rezoned to the same district that was proposed for this property.

Commission Member Cobbel asked about the access to this property. Ms. Galicia stated that the access would be defined during the platting process. She stated that Staff had raised some concerns to the applicant regarding the access to the property. Ms. Galicia stated that the Lake Forest development property owner stated that they would give one point of access to this development. She stated that the applicant still needed to find another point of access to have the required two points of access.

Commission Member Cobbel asked how the applicant currently accessed the property. Ms. Galicia stated that currently they did not have access.

Commission Member Egan asked if rezoning this property to commercial or another use besides residential was slim. Ms. Galicia said yes.

Chairman Cox asked how much of the property was developable due to part of the land being in the floodplain. Ms. Galicia stated that she could not say exactly how much of this track of land could be developed for single-family uses. She stated that the majority of this lot was in the floodplain, which could be an issue. Ms. Galicia explained that only 30% of quality trees were allowed to be removed within a floodplain area. She stated that staff had not seen the lot layout for the property.

Commission Member Egan asked about the cost/benefit comparison deficit of approximately \$93,000 shown on the fiscal analysis in the Staff report and how many lots was it assuming. Ms. Galicia stated that number was calculated by the acreage and not by proposed lots for the property.

Commission Member Smith asked if the applicant requested a variance to the tree preservation ordinance if it would come back before the Commission. Ms. Galicia said yes, along with a layout of where they were proposing the single-family lots.

Chairman Cox asked if the access to the property would also be coming back before the Commission. Ms. Galicia said yes.

Chairman Cox stated that the applicant had notified Staff that she was stuck in traffic on the way to the meeting. Ms. Galicia stated that the applicant had yet to arrive. The Commission agreed to allow the applicant to make a presentation on this request after the public hearing section for this item.

Chairman Cox opened the public hearing and called for comments.

The following residents spoke in opposition to this rezoning request.

Mr. Chris Grollnek, McKinney, TX, stated that some of the homeowners in their development paid an addition \$25,000 - \$45,000 premium for creek side access with no

neighbors in the back as promised by the seller. He stated that their Homeowners Association (HOA) owned both sides of the creek. Mr. Grollnek expressed concerns about decreased property values, lack of privacy, and flooding issues if the proposed property was developed. He stated that the creek behind their property currently could not handle to water flow. Mr. Grollnek stated that the proposed property had been subject to three various lawsuits.

Mr. Ryan Miller, 809 Boyd Creek Rd., McKinney, TX, stated that he recently moved to Texas and was enjoying living in McKinney. He expressed concerns regarding flooding, point of access to the proposed property, increased traffic issues, safety for children, environmental impact, impact on the school district, and impact to the overall area.

Mr. Hetwarth Italia, 609 Boyd Creek Rd., McKinney, TX, stated that they moved here two years ago from Northwest Arkansas. He stated that he gave up a flat backyard option for a more private backyard that sloped to the creek. Mr. Italia stated that he liked seeing the wildlife by the creek. He stated that they might have to move if they lost the privacy of their backyard.

Mr. Mike Gillan, 705 Boyd Creek Rd., McKinney, TX, stated that his biggest concern with the potential of flooding due to the development of the proposed property. He also expressed concerns regarding the overall and aesthetic impact from the proposed development. Mr. Gillan stated that he did not feel the proposed property should be developed.

Ms. Lisa Gillan, 705 Boyd Creek Rd., McKinney, TX, briefly discussed the current flooding concerns that the residents face along the creek. She stated that she could not

understand how the trees and area would be preserved with the development of the proposed property. Ms. Gillan also expressed concerns about additional flooding issues to this area, decreased property values, and environmental impact to the area with developing the property. She stated that they paid premiums for the private creek side lots.

Ms. Jessica Beck, 605 Boyd Creek Rd., McKinney, TX, showed a photograph of on her cell phone to the Commission of the floodplain map.

Mr. Roger Banerjee, 941 Boyd Creek Rd., McKinney, TX, stated that he moved here from New Jersey about a year ago. He stated that he has seen two situations where the flood plain property had flooded after it rained. Mr. Banerjee expressed concerns if the property was developed that they might raise the land up and create more flooding issues for his property. He stated that they paid a steep premium for the creek side lot. Mr. Banerjee expressed concerns regarding the environmental impact to the area.

Mr. Kenneth Schmidt, 825 Boyd Creek Rd., McKinney, TX, expressed concerns that removing the trees on the proposed property might cause sound and lighting issues from various events and games held at McKinney Boyd High School. He stated that right now lights and sounds were currently buffered by the trees on the property.

Mr. John Coffey, 821 Boyd Creek Rd., McKinney, TX, briefly discussed the search for their house. He stated that they loved living there under the current conditions and did not want to see it change.

The following individuals turned in a speaker's card in opposition to the proposed rezoning request; however, did not wish to speak during the meeting:

- Ms. Linda Coffey, 821 Boyd Creek Rd., McKinney, TX
- Mr. John Brittigan, 801 Boyd Creek Rd., McKinney, TX
- Mr. Hassan Guesmia, 1009 Boyd Creek Rd., McKinney, TX
- Ms. Meghan Burleson, 945 Boyd Creek Rd., McKinney, TX
- Mr. Michael Burleson, 945 Boyd Creek Rd., McKinney, TX
- Mr. James McRae, 813 Boyd Creek Rd., McKinney, TX
- Mr. Jeff Giles, 1001 Boyd Creek Rd., McKinney, TX
- Mr. Russ Revell, 905 Boyd Creek Rd., McKinney, TX
- Mr. Bryan Criswell, 913 Boyd Creek Rd., McKinney, TX
- Mr. William Beck, 605 Boyd Creek Rd., McKinney, TX
- Mr. Fatima Guesmia, 1009 Boyd Creek Rd., McKinney, TX
- Ms. Lana Giles, 1001 Boyd Creek Rd., McKinney, TX
- Ms. Cindy Schmidt, 825 Boyd Creek Rd., McKinney, TX
- Ms. Judy Crovisier, 813 Boyd Creek Rd., McKinney, TX

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

Chairman Cox called for the applicant to make a presentation on the rezoning request.

Ms. Melissa Lundelow, Shupe Ventura Lindelow & Olson, PCCL, 500 Main St., Ft. Worth, TX, explained the proposed rezoning request. She stated that the adjacent property to the north and northwest of this location was recently rezoned to SF5 – Single Family residence District. Ms. Lundelow stated that the McKinney’s Future Land Use Plan (FLUP) indicates that this property was appropriate for low density residential

uses. She stated that it was beautiful piece of property. Ms. Lundelow stated that Staff made them aware of issues relating to tree preservation, drainage, and some other issues and how those had to be addressed at the time of platting the property. She stated that there were a lot of City ordinances that address these type issues. Ms. Lundelow stated that the current drainage issues would not improve if the property is not developed. She stated that the property was heavily covered in trees and that they would follow the Tree Preservation ordinance. Ms. Lundelow stated that part of the property was in the floodplain and that they would follow the Federal and Local regulations. She stated that there were a lot of environmental laws in place to protect properties like this. Ms. Lundelow stated that they would like to develop and use the land as allowed.

Vice-Chairman Zepp stated that there was an access issue to the property with one tentative access being granted. He asked where the second access to the property might be located. Ms. Lundelow stated that the property owner had been communicating with surrounding property owners to try to find a solution. She stated that the issue would be addressed at the time of platting of the property.

Commission Member Smith asked Staff to discuss some of the issues that had been brought up during the Public Hearing portion of the meeting. Ms. Galicia stated that there was a Tree Preservation Zone along the majority of the property boundary sides. She explained that the applicant could not construct anything within 15' of any quality trees located within that property line. Ms. Galicia stated that with so many quality trees in this location that it would be difficult to gain access to surrounding neighborhoods. She stated that the applicant would need to provide a tree survey

identifying the quality trees long the property lines. Ms. Galicia stated that they would need to seek access and permission from the surrounding property owners. She stated that a development on this property would need to detain on the lot to address drainage issues; therefore, they would need to provide a floodplain study and engineering plans to the City of McKinney prior to constructing residential houses on the property. Ms. Galicia stated that if the rezoning request was granted to the applicant that it might not be feasible to construct a single-family residential development on the property if they could not meet all of the City's requirements.

Vice-Chairman Zepp asked if the applicant would be requested to have a drainage easement since they do not own either side of the creek. Ms. Galicia stated that when the applicant does a floodplain study that they will have to establish an erosion and hazard setback, which is usually dedicated within a drainage easement.

Vice-Chairman Zepp asked if a drainage easement is granted and could not be forced. Ms. Galicia said typically that was correct.

Alternate Commission Member Mantzey asked if the property might have a water shed to detain water on the site. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that they would have to store their historical runoff onsite, so that they do not increase the capacity on the existing system. He stated that the drainage of the site would have to be addressed during the platting process. Mr. Lockley stated that the rezoning of the property was just the first step towards developing the property.

Vice-Chairman Zepp stated that the applicant would not spend a lot of time and money on the various studies prior to gaining the proper zoning on the property.

Commission Member Egan agreed with Vice-Chairman Zepp. He also stated that the various issues surrounding property owners brought up during the Public Hearing should be addressed by the various City ordinances and regulations.

Vice-Chairman Zepp asked about a path shown on the Aerial Exhibit that was included in the Staff report. Ms. Galicia stated that the area appeared to be a sanitary sewer easement.

Commission Member Kuykendall stated that she appreciated seeing so many people from the community attend the meeting to voice their opinions. She stated that based on what she just heard from Staff all of those concerns would have to be addressed in the platting process and meet strict requirements.

Commission Member Smith asked what alternate uses could go on the property if this rezoning request and proposed development did not happen. Ms. Galicia stated that any development that comes in to this track would be required to have two points of access. She stated that the floodplain and drainage issues would still need to be addressed. Ms. Galicia stated that the City's Future Land Use Plan (FLUP) designates this property for future residential uses.

Commission Member Smith wanted to clarify that Staff did not know how many housing units could be built on the property. Ms. Galicia stated that was correct.

Chairman Cox asked if anybody was here from McKinney Independent School District (MISD) to discuss this rezoning request. A MISD representative was not present. Chairman Cox asked if they had submitted input on the rezoning request. Ms. Galicia stated that they were notified about the rezoning request; however, Staff had not received any director correspondence from the school district. Chairman Cox asked if



the school district typically weighed in on similar requests. Ms. Galicia stated that they had the option to give their opinion; however, she was unsure if they typically did so.

Commission Member Smith stated that given the proposed zoning was in conformance with the City's Comprehensive Plan that would be a tool that the school district would be using to create their own plan for the number of schools that they need to build. Ms. Galicia stated that was something that the school district would take into consideration.

Commission Member Kuykendall stated that currently we do not know how many houses could be built on the property. Ms. Galicia agreed with her.

Commission Member Egan asked Staff about the surrounding residence being allowed to voice their opinion during the platting process if they met all of the City's requirements. Mr. Matt Robinson, Planning Manager for the City of McKinney, stated that if the plat met all of the City's requirements then the Commission would have to approve the plat. He stated that if they requested any variances or waivers to the City's requirements then those would need Planning & Zoning and/or City Council approval authority.

Commission Member Smith stated that her biggest concern with the development of the property would be the drainage issue on the property. She stated that the property had various issues that must be addressed prior to being developed.

Chairman Cox stated that the site has challenges. He stated that rezoning the property was just one piece of the puzzle. Chairman Cox stated that the odds of this development coming in without any variances were slim; however, it was possible. He stated that only the rezoning of the property was being considered tonight.

Vice-Chairman Zepp agreed that the property had some severe challenges. He stated that the surrounding property owners hold the cards to permitting a lot of the things needed to make this a viable site.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Cobbel, the Commission unanimously voted to recommend approval of the rezoning request as presented by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 2, 2016.