

PLANNING AND ZONING COMMISSION

MAY 8, 2012

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, May 8, 2012 at 6:30 p.m.

Commissioner Members Present: Chairman Robert S. Clark, Vice-Chairman Lance Lindsay, George Bush, Rick Franklin, David Kochalka, and Matt Hilton.

Commission Member Absent: Larry Thompson.

Staff Present: Director of Planning Jennifer Cox; Senior Planners Brandon Opiela and Michael Quint; Planner II Anthony Satarino; and Administrative Assistant Terri Ramey.

There were approximately twenty 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 five 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.

Chairman Clark stated that the Commission would vary the order of the agenda and consideration of Agenda Item 12-061PF commenced.

Commission Member Franklin stepped down during the consideration of Agenda Item 12-061PF, due to a possible conflict of interest.

The Commission approved the motion by Vice-Chairman Lindsay, seconded by Commission Member Kochalka, to approve the following Consent Item with a vote of 5-0-1, Commission Member Franklin abstained.

12-061PF Consider/Discuss/Act on the Request by Sanchez and Associates, on Behalf of Blackmon Ranch, Ltd., for Approval of a Preliminary-Final Plat for Lots 1-21, Block A, Lots 1-24, Block B, Lots 1-8, Block C, Lot 1, Block D, and Common Area C1 of the Windsor Park Addition, Approximately 114.21 Acres, Located on the Southeast Corner of Lake Forest Drive and McKinney Ranch Parkway.

Commission Member Franklin returned to the Council dais.

Chairman Clark returned to the normal order of the agenda and consideration of the remaining Consent items.

The Commission unanimously approved the motion by Commission Member Bush, seconded by Commission Member Franklin, to approve the following Consent Items:

12-316 Minutes of the Planning and Zoning Commission Work Session of April 24, 2012.

12-317 Minutes of the Planning and Zoning Commission Regular Meeting of April 24, 2012

12-070PF Consider/Discuss/Act on the Request by Winkelmann & Associates, Inc., on Behalf of ML2 Limited Partnership and Reta Rose J Family, Ltd., for Approval of a Preliminary-Final Plat for Lots 1R, 2R, 3-9 and Common Area B-1, Block B, of the Wilson Creek Crossing Addition, Approximately 62.70 Acres, Located on the Southwest Corner of Lake Forest Drive and U.S. Highway 380 (University Drive).

12-086PF Consider/Discuss/Act on the Request by McKinney Village Park, L.P., for Approval of a Preliminary-Final Plat for Village Park, Phases 2C, 2D, and 2E, Approximately 29.80 Acres, Phases 2C and 2D are Located on the Northwest and Southwest Corner of Sugar Valley Road and Silverton Avenue and Phase 2E is Located Approximately 370 Feet West of Village Park Drive and on the South Side of Buckland Drive.

END OF CONSENT

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

12-091CP Conduct a Public Hearing to Consider/Discuss/Act on the Request by McKinney Village Park, L.P., for Approval of a Concept Plan for Village Park, Phases 2C, 2D, and 2E, Approximately 29.80 Acres, Phases 2C and 2D are Located on the Northwest and Southwest Corner of Sugar Valley Road and Silverton Avenue and Phase 2E is Located Approximately 370 Feet West of Village Park Drive and on the South Side of Buckland Drive.

Mr. Brandon Opiela, Senior Planner for the City of McKinney, explained the proposed concept plan request. He stated that Staff recommends approval of the requested concept plan as conditioned in the staff report.

The applicant did not wish to make any comments.

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

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

11-127SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Retail Buildings Inc., for Approval of a Site Plan for a 5,756 Square Foot Restaurant with Drive-Through Window and Grocery Store, Approximately 1.34 Acres, Located Approximately 154 feet West of Hudson Crossing and on the South Side of Eldorado Parkway.

Mr. Anthony Satarino, Planner II for the City of McKinney, explained the proposed site plan. He stated that Staff recommends approval of the proposed site plan as conditioned in the staff report.

The applicant did not wish to make any comments.

Chairman Clark opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Vice-Chairman Lindsay, seconded by Commission Member Hilton, to close the public hearing and recommend approval of the proposed site plan as recommended by Staff.

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

12-079SP Consider/Discuss/Act on the Request by Halff Associates, Inc., on Behalf of the Stonebridge Ranch Community Association, for Approval of a Site Plan for the Stonebridge Ranch Aquatic Center Expansion, Approximately 5.41 Acres, Located on the Southwest Corner of Coronado Drive and Stonebridge Drive.

Mr. Anthony Satarino, Planner II for the City of McKinney, explained the proposed site plan. He stated that Staff recommends approval of the proposed site plan as conditioned in the staff report.

The applicant did not wish to make any comments.

Chairman Clark opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Commission Member Kochalka, seconded by Commission Member Franklin, to close the public hearing and recommend approval of the proposed site plan as recommended by Staff.

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

Commission Member Franklin stepped down during the consideration of Agenda Items 12-096MRP and 12-088Z, due to a possible conflict of interest.

12-096MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by C&C Development, L.P., on Behalf of VCIM Partners, L.P., McKinney Seven 14, L.P., and Craig Ranch Development II, for Approval of a Minor Replat for Lots 7R and 8, Block A, of the Highway 121 Addition, Approximately 7.47 Acres, Located Approximately 1,470 Feet West of Stacy Road and on the North Side of State Highway 121 (Sam Rayburn Toll).

Mr. Michael Quint, Senior Planner for the City of McKinney, explained the proposed minor replat request. He stated that Staff recommends approval of the proposed minor replat request as conditioned in the staff report.

The applicant did not wish to make any comments.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Lindsay, seconded by Commission Member Hilton, the Commission approved the motion to close the public hearing and approve the proposed minor replat as conditioned in the staff report with a vote of 5-0-1, Commission Member Franklin abstained.

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

12-088Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Rick Jones Company, L.L.C., on Behalf of VCIM Partners, L.P., for Approval of a Request to Rezone Approximately 1.08 Acres from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District, to Allow for a Canine Boarding Facility with Outside Runs, Located on the North Side of State Highway 121 (Sam Rayburn Tollway) and Approximately 1,960 Feet East of Alma Road.

Mr. Michael Quint, Senior Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions as listed in the staff report.

The applicant did not wish to make any comments.

Chairman Clark opened the public hearing and called for comments. There being none, the Commission approved the motion by Commission Member Hilton, seconded by Commission Member Kochalka, to close the public hearing and recommend approval of the rezoning request as recommended by Staff with a vote of 5-0-1, Commission Member Franklin abstained.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 5, 2012.

Commission Member Franklin returned to the Council dais.

12-074PF Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of TCI McKinney Ranch, Inc., for Approval of a Preliminary-Final Plat for of the Barcelona Addition, Approximately 100.91 Acres, Located on the Northwest Corner of Stacy Road and McKinney Ranch Parkway.

Mr. Michael Quint, Senior Planner for the City of McKinney, explained the explained the proposed preliminary-final plat request and gave a brief history of the related submittals to this property. He stated that the proposed preliminary-final plat must be denied because the requirements of the governing "PD" – Planned Development District and Zoning Ordinance have not been satisfied.

Chairman Clark asked why the request was on the agenda. Mr. Quint stated that it was due to the applicant's request.

Commission Member Franklin asked what the timeframe would be to approve the required access management plan and general development plan once submitted. Mr. Quint stated that it would be about a month and if the applicant had submitted the plans when instructed by Staff, they would already be approved.

Vice-Chairman Lindsay asked if it would be more work for Staff if this request is denied. Mr. Quint said no.

Chairman Clark asked if the general development plan issue was resolved with the March 2012 general development plan cases approval. Mr. Quint stated that it was a different issue. He stated that this general development plan issue was not a general

conformance issue like last time. Mr. Quint explained that a general development plan is required for the entire property per the “PD” – Planned Development District requirement and a general development plan had only been approved for 76 acres of the 101 acre property.

Commission Member Hilton asked if any reason was given by the applicant as to why they wanted the request presented at this meeting. Mr. Quint said no.

Commission Member Bush expressed concerns on why the approved general development plan for the 76 acres was not sufficient. Mr. Quint explained that the subject property is approximately 101 acres, not 76 acres. He stated the “PD” – Planned Development District required the general development plan for all 101 acres.

Commission Member Kochalka asked if the governing zoning exhibit could suffice as a general development plan for this project. Mr. Quint stated that a new general development plan would need to be submitted.

Commission Member Hilton stated that in the staff report Staff notified the applicant on three different occasions of the requirement. Commission Member Franklin suggested letting the applicant respond.

Mr. Levi Wild, Sanchez and Associates, 220 E. Virginia St., McKinney, TX, explained the request, gave a brief history of the related submittals on this property, stated that the process had been confusing, and asked for approval of the proposed plat.

Commission Member Bush asked the applicant if he recalled Staff notifying them on three separate occasions about the required general development plan on the other pieces of the parent property. Mr. Wild stated that it was confusing. He stated the approved general development plan showed those pieces of property. Mr. Wild stated that he was not sure how it fell through the cracks to not have a general development plan fully processed.

Commission Member Bush asked the applicant about their contract deadline. Mr. Wild stated that it was at the end of May. Mr. Quint stated that the property cannot be sold by metes and bounds thus the May closing is not realistic.

Commission Member Kochalka asked if the property is currently platted. Mr. Quint said no, the property is currently an approximately 101 acre tract.

Chairman Clark asked Staff for a solution. Mr. Quint stated that the request could be denied and the applicant could then resubmit a plat, access management plan, and a general development plan for the remaining property or it could be tabled to give the applicant time to submit and receive approval of a general development plan and access management plan.

Chairman Clark asked why the approved general development plan is not sufficient. Mr. Quint stated that it was not approved as a general development plan. He stated that it was processed and approved as a zoning exhibit.

Vice-Chairman Lindsay asked Staff if the applicant was okay with processing the 2007 general development plan as a zoning exhibit. Mr. Quint said yes.

Commission Member Kochalka asked about the approval letter for the general development plan that the applicant referenced in his presentation. Mr. Quint stated that approved general development plan is for the approximately 76 acres and not the approximately 101 acres currently being platted.

Commission Member Franklin stated it was a pet peeve of his when an applicant is not told everything upfront.

Chairman Clark asked why the general development plan was not approved for the whole 101 acres earlier. Mr. Quint stated that the applicant only requested approval of the approximately 76 acres. He stated that the "PD" – Planned Development District is requiring a general development plan for the approximately 24 remaining acres showing the multi-family and retail portion of the parent property. Commission Member Bush questioned why the general development plan for approximately 76 acres was approved. Chairman Clark stated that the Commission thought that they were approving the appropriate general development plan for this project. Mr. Wild stated that his client only plans to purchase the approximately 76 acres to develop single-family residential properties. He stated that if he had known that the general development plan was needed for the whole property, they would have prepared the submittal application showing it for the approximately 101 acres. Commission Member Kochalka did not feel that the applicant needed to provide a general development plan for the multi-family and retail portion of the property that the applicant is not developing.

Chairman Clark asked Staff for a solution. Mr. Quint stated that the Commission could table the request to give the applicant time to submit and receive approval of a general development plan and access management plan or that the Commission could deny the request and the applicant would need to submit a new preliminary-final plat, general development plan, and access management plan. Mr. Wild felt the proposed preliminary-final plat could be approved. He gave an example of a similar case that was approved as a Consent Item at a previous meeting. Mr. Brandon Opiela, Senior Planner for the City of McKinney, pointed out the differences between the two cases. He stated that particular case did not have a "PD" – Planned Development District requirement requiring a general development plan. Mr. Opiela stated that the applicant submitted an access management plan when asked on the other case as well; therefore, met the Subdivision and Zoning Ordinance requirements.

Commission Member Kochalka stated that he did not want to see time wasted doing processes that he felt was just paperwork. He questioned if this request could be approved tonight with conditions that the general development plan and access management plan be submitted at a later time. Mr. Quint suggested that if the Commission wished to approve the request that they not add the conditions of submitting the general development plan and access management plan at a later date, since that defeated the purpose of the requirement of them being submitted prior to the preliminary-final plat process.

On a motion by Commission Member Bush, seconded by Commission Member Franklin, the Commission voted 4-2 to approve the proposed preliminary-final plat. Vice-Chairman Lindsay and Commission Member Hilton voted against the motion to approve the proposed preliminary-final plat.

Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final plat.

Commission Member Franklin asked if the general development plan process is going to be reviewed and possibly changed to address some of the recent issues. Ms. Jennifer Cox, Director of Planning for the City of McKinney, stated that the issue on the previous agenda item was due to the governing "PD" - Planned Development District requirement for the property. She stated that the general development plan regulations

could be reviewed when the Subdivision Ordinance and Access Management Plan are revised. Mr. Quint felt that the majority of the general development plan issues are due to “PD” – Planned Development District regulations and that the process is working fine as the Subdivision Ordinance was amended years ago to address un-needed general development plans.

Chairman Clark declared the meeting adjourned at 7:16 p.m.

ROBERT S. CLARK
Chairman