

## **PLANNING AND ZONING COMMISSION**

**OCTOBER 13, 2015**

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, October 13, 2015 at 6:00 p.m.

City Council Member Present: Mayor Pro Tem Travis Ussery

Commission Members Present: Chairman Bill Cox, Vice-Chairman Eric Zepp, Janet Cobbel, Kevin Egan, Deanna Kuykendall, Cameron McCall, Pamela Smith, and Brian Mantzey – Alternate

Staff Present: Interim City Manager Tom Muehlenbeck, Assistant to the Interim City Manager Chandler Merritt, City Secretary Sandy Hart, Interim Director of Planning Brian Lockley, Planning Managers Brandon Opiela and Matt Robinson, Civil Engineer II Robyn Root, Planner II Samantha Pickett, Planners Eleana Galicia and Aaron Bloxham, and Administrative Assistant Terri Ramey

There were approximately fifty guests present.

Mr. Brian Lockley, Interim Director of Planning for the City of McKinney, called the meeting to order at 6:00 p.m. after determining a quorum was present. He 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. Mr. Lockley stated that the audience would be advised if the case would go on to City Council or be heard only by the Planning and Zoning Commission. He stated that guests would need to limit their remarks to three minutes and speak only once. Mr. Lockley 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.

### **15-973 Oath of Office**

Ms. Sandy Hart, City Secretary for the City of McKinney, gave the Oath of Office to Janet Cobble, Bill Cox, Kevin Egan, Cam McCall, Brian Mantzey, and Pamela Smith.

**15-972 November 3, 2015 Bond Election Presentation**

Mr. Tom Muehlenbeck, Interim City Manager for the City of McKinney, presented the November 3, 2015 Bond Election Propositions.

**15-974 Election of Chair and Vice-Chair**

The Commission approved the motion by Commission Member Smith, seconded by Commission Member McCall, to elect Bill Cox as Chairman, with a vote of 6-0-1. Commission Member Cox abstained.

The Commission approved the motion by Commission Member Cobbel, seconded by Chairman Cox, to elect Eric Zepp as Vice-Chairman, with a vote of 6-0-1. Commission Member Zepp abstained.

Chairman Cox continued the meeting with the Information Sharing Item.

**15-265M Presentation of "Certificate of Achievement for Planning Excellence"**

Mr. Steven Doss, Planner for the City of McKinney, discussed the Certificate of Achievement for Planning Excellence award given to the City of McKinney Planning Department. He stated that was the 14<sup>th</sup> time that the City of McKinney Planning Department had received the award.

Chairman Cox continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Commission Member Kuykendall, seconded by Commission Member McCall, to approve the following three Consent items, with a vote of 7-0-0.

**15-971 Minutes of the Planning and Zoning Commission Regular Meeting of September 22, 2015**

**15-224PF Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1, Block A of the Bank of the Ozarks Addition, Located on the Southeast Corner of Custer Road and Collin McKinney Parkway**

**15-238PF Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1, Block A, of the Sanctuary at Westridge, Located Approximately 1,000 Feet South of Virginia Parkway and on the East Side of Future Coit Road**

**END OF CONSENT**

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

**15-233Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" -**

**Planned Development District to "C1" - Neighborhood Commercial District, Located on the Southwest Corner of Virginia Parkway and Crutcher Crossing**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request. She explained that the item had been tabled at the last meeting to allow the applicant to address some of the surrounding residents' concerns. Ms. Pickett stated that Staff recommended approval of the proposed rezoning request and offered to answer questions.

Vice-Chairman Zepp asked for clarification between the current zoning versus the proposed rezoning request. Ms. Pickett stated that generally there were approximately four uses that would be added and some uses that would be removed with the proposed rezoning of the property. She stated that Staff did not feel that the use changes were significant.

Commission Member Smith had questions regarding the proposed parking on the property versus what could be built under the current zoning. Ms. Pickett explained that the City required one parking space per six beds for an assisted living facility. She stated that a standard office development requires one space per 400 square feet of building. Ms. Pickett gave an example of a 1,200 square-foot office building being required to provide a minimum of 30 parking spaces.

Commission Member Smith asked if there would be any design element changes associated with this rezoning request. Ms. Pickett stated that the architectural standards would remain the same. She stated that current landscaping requirement along the south property line was a 3" caliper tree planted every 30 linear feet, and would change to the standard requirement a 4" caliper tree planted every 40 linear feet if rezoned; however, she pointed out that it would be along an established tree line. Ms. Pickett stated that Staff felt the reduction in tree size would not be an issue.

Commission Member Egan asked if the applicant currently owned the property or if the sale of the property was contingent of the rezoning of the property. Ms. Pickett deferred to the applicant.

Mr. Randall Johnson, Legend Senior Living, 8415 E. 21<sup>st</sup> Street, Wichita, KS, explained the proposed rezoning request. He stated that they had approximately 35 locations in Kansas, Oklahoma, Florida, Colorado, and Texas, which they owned and

operated. Mr. Johnson stated that they had five assisted living centers in the Dallas area. He stated that they normally had about 40 to 50 parking spaces at their other locations. Mr. Johnson stated that their residents typically do not drive a car. He stated that Legend Senior Living does not currently own the proposed property; however, it was under contract with conditions that must be met before for the sale could go through. Mr. Johnson stated that they were proposing to build a facility at this location that would have 100 beds. He stated that they met with the Homeowners' Association in early September 2015 to discuss the project. Mr. Johnson stated that a meeting with about 50 homeowners was held on October 7, 2015 to discuss the plans for the property and the homeowners' concerns. He stated that the owner of the company also attended this meeting. Mr. Johnson stated that they liked the proposed location for one of their assisted living facilities. He stated that it would be a low impact use for the property. Mr. Johnson stated that the staff at the facility would have staggered shifts and gave examples. He felt this type of use was a good transition from Virginia Parkway into a residential neighborhood. Mr. Johnson stated that it would be a very residential looking building. He stated that they were not looking for any variances.

Commission Member Kuykendall had questions regarding emergency vehicles coming in and out of the facility. Mr. Johnson stated that they request that emergency vehicles do not use their sirens and lights, so that the residents were not startled. He stated that emergency vehicles might arrive at the facility four to eight times per month.

Commission Member Egan asked Mr. Johnson how he would felt with having two entrances onto Virginia Parkway and none on Crutcher Crossing. Mr. Johnson stated that they had spent a fair amount of time discussing this issue. He stated that they were willing to have two entrances onto Virginia Parkway; however, were unwilling to give up the entrance on Crutcher Crossing. Mr. Johnson stated that having access to the light at Crutcher Crossing and Virginia Parkway was an important feature that allowed a protected left turn out of the facility to go west on Virginia Parkway.

Chairman Cox opened the public hearing and called for comments.

The following people spoke in opposition to the proposed rezoning request. They expressed concerns regarding the proposed entrance on Crutcher Crossing; increased traffic; safety of the residents, children, and pets in the neighborhood; ingress

and egress from Crutcher Crossing onto Virginia Parkway; possible parking on Crutcher Crossing if their parking spaces are full; decrease in property values; decrease in their way of life; commercial access prior to the entrance of a residential subdivision; elderly drivers at the facility; setting a precedent on how that area will develop; felt that the facility should be located closer to a hospital or medical facility; odors; and drainage off the property. Most stated that they were not opposed to the proposed assisted living facility going in on the property; however, they had issues with an entrance on Crutcher Crossing.

- Ms. Marsha Coburn, 5549 Amber Way, McKinney, TX
- Ms. Marcie Green, 5404 Fairfax Court, McKinney, TX
- Ms. Stephanie Fridland, 5420 Pebble Court, McKinney, TX
- Mr. Tom Younker, 521 Winding Lane, McKinney, TX
- Ms. Susannah McIntosh, 5501 Amber Way, McKinney, TX
- Mr. Tomas Hernandez, 5210 Hawks Nest, McKinney, TX
- Mr. Michael Griggs, 5513 Turtle Way, McKinney, TX
- Mr. Patrick Jackson, 5120 Sandy Court, McKinney, TX
- Mr. Robert Cecil, 5432 Crystal Court, McKinney, TX
- Ms. JoAnne Isotti, 5501 Crystal Court, McKinney, TX
- Mr. Dan Nissen, 308 Turtle Court, McKinney, TX
- Mr. Brandon Shaugraw, 5316 Sandstone Lane, McKinney, TX
- Mr. Shane Hadlock, 5312 Sandstone Lane, McKinney, TX
- Mr. John McIntosh, 5501 Amber Way, McKinney, TX

The following residents turned in speaker's card in opposition to the rezoning request; however, did not wish to speak.

- Ms. Catherine Adams, 5413 Turtle Way, McKinney, TX
- Mr. Chris Adams, 5413 Turtle Way, McKinney, TX
- Ms. Sherry Jackson, 5120 Sandy Court, McKinney, TX
- Ms. Barbara J. Kurlan, 5529 Amber Way, McKinney, TX
- Ms. Melissa Shangraw, 5316 Sandstone Lane, McKinney, TX
- Ms. Jeannine Thompson, 5213 Sandstone Lane, McKinney, TX

Mr. Joe Joplin, 407 S. Tennessee St., McKinney, TX, spoke in favor of the proposed rezoning request. He stated that his grandfather purchased this property over 100 years ago and it was currently owned by one of the grandchildren. Mr. Joplin stated that the property was zoned in 1997 and at this time the family gave 10 acres to the subdivision in order to further buffer Hawk's Nest from the commercial tract on the corner. He felt that the family had done a lot to help accommodate the community. Mr. Joplin stated that they had also given property to a church and sold property at half price to other churches. He stated that when the property was zoned in 1997 that the hedgerow was to be a buffer. Mr. Joplin stated that his daughter named Crutcher Crossing in honor of his grandparents. He stated that Crutcher Crossing was planned in 1997 to accommodate office and in some cases commercial uses and was a 37-foot collector street and narrowed when it got to the residential subdivision to a 27-foot residential street. Mr. Joplin stated that this was the first offer that they received in 18 years for this property. He stated that the proposed development would have a lower intensity than what could be developed on the property under the current zoning. Mr. Joplin stated that six of seven children of his grandfather had Alzheimer's and/or dementia at the end of their lives. He felt the assisted living facility on the property was a good legacy in memory of them. Mr. Joplin reminded the Commission that they were considering only the rezoning the property and not a site plan or landscaping for the development.

Mr. Charles McKissick, 3001 Partridge Lane, McKinney, TX, stated that he represented the landowner in selling the property. He stated that the property had been designed to have commercial frontage along Virginia Parkway with an entrance off of Crutcher Crossing. He reminded the Commission that only the rezoning of the property was being considered at this meeting. Mr. McKissick felt that this was a low intensity use that would protect their neighborhood compared to what might be able to be built on the property under the current zoning. He was not sure when they might be offered another contract on this property. Mr. McKissick asked for a favorable recommendation on the proposed rezoning request.

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

Vice-Chairman Zepp asked Ms. Robyn Root, Civil Engineer II for the City of McKinney, if two entrances might be allowed onto Virginia Parkway. Ms. Root said yes.

Vice-Chairman Zepp asked Ms. Root if the wide entrance of Crutcher Crossing was laid out to be a commercial feeder. Ms. Root stated that the 37-foot wide collector street was designed to accommodate commercial type traffic. She stated that it could handle between 9,000 and 12,000 vehicles per day. Ms. Root stated that Crutcher Crossing was a 37-wide collector street that narrowed down to a 27-wide residential street going south. She stated that Crutcher Crossing currently carried about 2,500 vehicles per day.

Vice-Chairman Zepp asked Ms. Root how much traffic an assisted living facility might generate. Ms. Root stated that she calculated it based on 90 beds, which was the number mentioned at the previous Planning and Zoning Commission meeting. She estimated it would create about 125 trips per day. Ms. Root explained that was fewer trips than what an office use might generate per day.

Vice-Chairman Zepp asked if an entrance onto Crutcher Crossing would be allowed under the current zoning. Ms. Root stated that the Planners would need to address what the current zoning would allow on the property. She stated that there was adequate spacing to allow an entrance onto Crutcher Crossing. Ms. Root stated that this was typically something that she looked for when reviewing plans. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that the current zoning did not preclude an entrance onto Crutcher Crossing. He reiterated that the spacing met the requirements to allow access to Crutcher Crossing.

Commission Member Egan asked when a light might be constructed at the Virginia Parkway and Crutcher Crossing intersection. Ms. Root stated that it was currently tied to the Virginia Parkway project. She stated that they were having some right-of-way and utility relocation issues that must be addressed prior to any roadway construction. Ms. Root stated that the goal for the light installation would be around the start of the school year in 2016. Commission Member Egan wanted to clarify that was August 2016. Ms. Root said that was her best estimate; however, it could take longer depending on when the various issues were resolved.

Commission Member Egan asked if a "U" turn would be allowable on Virginia Parkway at that intersection. Ms. Root said yes.

Commission Member Egan asked what type of impact a light would have on the traffic verses not having a traffic light at this intersection. Ms. Root stated that traffic signal timing was typically about two minutes. Commission Member Egan asked if the traffic light would be set by a timer verses volume of traffic. Ms. Root explained that most of McKinney's traffic signals typically have about five different plans during the day that were set to traffic patterns and gave some examples. She stated that the wait time would depend on the time of day.

Commission Member Cobbel wanted to clarify that under the current zoning a site plan for an allowable use would not come before the Planning and Zoning Commission for review. Ms. Pickett said that was correct.

Commission Member Smith wanted to clarify that under the current zoning the allowable use could have mutual access to Crutcher Crossing with adjacent tracts and that the current allowable uses on both sides of Crutcher Crossing could develop with access to Crutcher Crossing. Ms. Pickett said yes.

Commission Member Cobbel wanted to clarify that Crutcher Crossing was already set up to have commercial access at the entrance near Virginia Parkway. Ms. Pickett said yes.

Vice-Chairman Zepp asked why a specific use permit was discouraged. Ms. Pickett stated that it was not that Staff discouraged a specific use permit. She stated that the current zoning limited individual buildings to a maximum of 15,000 square feet. Ms. Pickett stated that it would make the assisted living facility more difficult to develop with that restriction. Vice-Chairman Zepp asked if the specific use permit could alter that requirement. Ms. Pickett said no.

Chairman Cox stated that the Planning and Zoning Commission's recommendation regarding this rezoning request would go on to City Council for final consideration on November 3, 2015.

Commission Member Egan stated that the major issue that he heard was in regards to increased traffic on Crutcher Crossing. He mentioned some of the allowable



uses under the current zoning that could be built on the property now that could have a higher traffic impact.

Commission Member McCall stated that the major concern that he heard was the assisted living facility faced Crutcher Crossing. He also mentioned some of the allowable uses under the current zoning that could be built on the property now that could have a higher traffic impact. Commission Member McCall felt that something would be developed on the property eventually and it might be a higher use with more traffic.

Commission Member Kuykendall stated that she shared some of the surrounding residents' concerns; however, most of those concerns had to do with a site plan instead of the proposed rezoning request. She stated that the site plan would be a Staff approval item.

Commission Member Smith thanked everyone for attending the Planning and Zoning Commission meeting and sharing their comments. She stated that Virginia Parkway was going to be widened and a traffic light would be installed at this intersection. Commission Member Smith stated that the entrance to Crutcher Crossing from Virginia Parkway was built to absorb much more traffic flow than what it was currently experiencing. She stated that the proposed use for the property was potentially a much lighter use than what could be built on the property under the current zoning. Commission Member Smith stated that it was a lovely tract of property and that they had a beautiful community.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Cobbel, the Commission unanimously approved the motion to recommend approval of the rezoning request as recommended 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 November 3, 2015.

A short seven minute break was held before the consideration of the following item.

**14-222Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Zone the Subject Property to "SF5" - Single Family Residential District, Located on the North Side of County Road 164 (Future Bloomdale Road) and Approximately 860 Feet West of County Road 1006**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed zoning request and stated that the associated annexation case would have its third and final public hearing at the November 3, 2015 City Council meeting. She stated that a petition against this request was distributed to the Commission prior to the meeting. Ms. Pickett stated that Staff recommended approval of the proposed zoning request and offered to answer questions. There were none.

Mr. Levi Wild, Sanchez and Associates, 402 N. Tennessee Street, McKinney, TX, explained the proposed zoning request, gave a brief history of the surrounding property owned by his clients, asked for a favorable recommendation, and offered to answer questions.

Chairman Cox asked if there was an associated site plan or proposed development associated with the proposed zoning request. Mr. Wild said no. He briefly explained that his clients envision a master planned community in the future for this area.

Vice-Chairman Zepp asked for more information regarding the surrounding property that Mr. Wild's clients owned in this area. Mr. Wild explained what surrounding properties that his clients currently owned and showed the locations on the map that was display on the overhead projector during the meeting. He stated that his clients were trying to increase their land holdings for a future master planned community development.

Commission Member McCall wanted to clarify that there were no development plans as of yet. Mr. Wild stated that was correct.

Commission Member Egan asked if the property was currently unzoned. Mr. Wild stated that the property was currently within the City of McKinney Extraterritorial Jurisdiction (ETJ) and was not currently zoned or officially a part of the City of McKinney.

Chairman Cox opened the public hearing and called for comments. There were none. Mr. Tyler Scott, Sanchez and Associates, 402 N. Tennessee Street, McKinney, TX, turned in a Speaker Card in favor of the request; however, did not speak during the meeting.

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

Commission Member Smith asked if this property was in the floodplain or if there was a creek nearby. Ms. Pickett stated that she was not aware of it.

Commission Member Smith asked for the proximity of this property to the nearby gravel road. Ms. Pickett was not aware of the property's proximity to the gravel road.

Commission Member Egan asked for more information regarding the protest to this zoning request that the Commission Members received prior to the meeting. Ms. Pickett stated that she received it this afternoon prior to this meeting. She stated that she did not have additional information regarding their concerns, other than what was included in their letter. Ms. Pickett was not aware of anyone showing up to discuss their concerns about this zoning request, since nobody spoke during the public hearing portion of the meeting. She stated that the petition would need to be filed formally with the City Secretary's Office and that it would go to City Council.

Chairman Cox had questions regarding the petition's language. Ms. Pickett explained that it was formal language used when filing a petition with the City Secretary's Office. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that if the petition was found to be valid, by having 20% of the landowners within 200 feet of this property signing the petition, then a super-majority of City Council would be needed to approve this zoning request.

Commission Member Smith asked where the property owners that signed the petition were located compared to the proposed property. Mr. Opiela stated that Staff was currently not aware of the property locations, since the petition was just received prior to the meeting.

Commission Member Smith asked if the proposed property was located within the McKinney Independent School District. Mr. Opiela indicated that the property was within the McKinney Independent School District.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Egan, the Commission unanimously voted to recommend approval of the zoning request as recommended 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 November 3, 2015.

**15-162PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for 81 Single Family Residential Attached Lots and 3 Common Areas (Villas at Stonegate), Located Approximately 320 Feet South of Eldorado Parkway and on the East Side of Ridge Road**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed preliminary-final replat. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report and offered to answer questions. There were none.

Ms. Jennifer Rabon, Wilbow Corporation, 4131 N. Central Expressway, Dallas, TX, explained the proposed preliminary-final replat and stated that she was appreciative of Staff's help. She offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and approve the proposed preliminary-final replat as conditioned in the Staff report, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed preliminary-final replat.

**15-245PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lot 1R, Block A, of the Linfer Addition, Located on the Southeast Corner of State Highway 5 (McDonald Street) and Anthony Street**

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 and offered to answer questions. There were none.

Mr. Arlyn Samuelson, Pogue Engineering, 1512 Bray Central Drive, McKinney, TX, explained the proposed preliminary-final replat offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and

approve the proposed preliminary-final replat as conditioned in the Staff report, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed preliminary-final replat.

**15-244PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 1R2, 3, 11R and 16, Block A, of the Stonebridge Parcel 903 Addition, Located on the northeast corner of Stonebridge Drive and Eldorado Parkway**

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed preliminary-final replat. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report and offered to answer questions. There were none.

Mr. Colin Helffrich; Dowdey, Anderson & Associates, Inc.; 5225 Village Creek Drive; McKinney, TX; explained the proposed preliminary-final replat and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded by Commission Member Egan, the Commission voted unanimously to close the public hearing and approve the proposed preliminary-final replat as conditioned in the Staff report, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed preliminary-final replat.

**END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS**

Mr. Brian Lockley, Interim Director of Planning for the City of McKinney, invited the Commission to attend a Community Charrette on Saturday, October 24, 2015 at the Collin College Higher Education Center in McKinney, TX. Mr. Brandon Opiela, Planning Manager, also invited the public watching the meeting to attend this event.

There being no further business, Chairman Cox declared the meeting adjourned at 8:15 p.m.

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BILL COX  
Chairman