

## **PLANNING AND ZONING COMMISSION**

**SEPTEMBER 24, 2013**

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 24, 2013 at 6:00 p.m.

City Council Member Present: Don Day

Commission Members Present: Chairman Robert S. Clark, George Bush, Jim Gilmore, Matt Hilton, David Kochalka, and Larry Thompson

Commission Member Absent: Vice-Chairman Richard Franklin

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Managers Brandon Opiela and Jennifer Arnold, Planners Samantha Gleinser and Steven Duong, Administrative Assistant Terri Ramey, Facilities Construction Manager Patricia Jackson, and Civil Engineer Tracy LaPiene

There were approximately 22 guests present.

Chairman Clark called the meeting to order at 6:00 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 the issues.

The Commission approved the motion by Commission Member Kochalka, seconded by Commission Member Hilton, to approve the following five Consent Items with a vote of 6-0-0.

- 13-1004 Minutes of the Planning and Zoning Commission Regular Meeting of September 10, 2013**
- 13-146PF Consider/Discuss/Act on the Request by GAI Group, L.L.C., for Approval of a Preliminary-Final Plat for Lots 1 and 2, Block A, of The Learning Experience Addition, Being Fewer than 7 Acres, Located on the Southeast Corner of Ridge Road and Chisholm Trail**
- 13-177PF Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of D.R. Horton - Texas, Ltd., for Approval of a Preliminary-Final Plat for 19 Single Family Residential Lots (The Reserve at Westridge Tower Tract), Being Fewer than 5 Acres, Located Approximately 2,300 Feet West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway**
- 13-181PF Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, Inc., on Behalf of Beazer Homes Texas, L.P., for Approval of a Preliminary-Final Plat for 110 Single Family Residential Lots and 6 Common Areas (Live Oak Creek Addition), Being Fewer than 36 Acres, Located Approximately 280 Feet South of U.S. Highway 380 (University Drive) and on the East Side of Community Avenue**
- 13-090PF Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of 3103 McDonald Partnership., for Approval of a Preliminary-Final Plat for Lot 1, Block A, of the Joseph & Glennieta Day Addition, Being Fewer than 4 Acres, Located Approximately 260 Feet South of Wilmeth Road and on the West Side of McDonald Street (State Highway 5)**

**END OF CONSENT**

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

- 13-176Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of Greenway Investment Company for Approval of a Request to Rezone Fewer than 12 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "BG" - General Business District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located South and East of the Southeast Corner of Stacy Road and Custer Road**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request.

Commission Member Thompson asked about the two businesses located near the northeast corner of the property. Ms. Gleinser stated that there was a Chase Bank and CVS pharmacy located there.

Mr. Levi Wild, Sanchez and Associates, 220 E. Virginia St., McKinney, TX, concurred with the staff report.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Hilton, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing and to recommend approval of the rezoning request as recommended by staff, with a vote of 6-0-0.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 15, 2013.

**13-017Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of CCC Partnership, L.P., for Approval of a Request to Rezone Fewer than 42 Acres from "C" - Planned Center District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Southwest Corner of Bloomdale Road and U.S. Highway 75 (Central Expressway)**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with the City's Multi-Family Policy and the City's newly revised standards governing multi-family residential development.

Commission Member Kochalka asked how this development would impact the current infrastructure. Mr. Quint, Director of Planning for the City of McKinney, stated that Staff had not run the numbers. He stated that this development would increase the demand on the various utilities, parks, schools, libraries, et cetera.

Commission Member Kochalka asked if the City would be required to upgrade utilities if the current systems were not adequate to handle the additional use for this development. Mr. Quint said no. He stated that the developer would be required to construct adequately sized utilities with the development of the property.

Commission Member Bush asked if Staff did not run the fiscal analysis since the use was currently allowed on the property. Mr. Quint stated that the model used by Staff to calculate the numbers only looks at acreage of a particular use and not density.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, Suite # 300; McKinney, TX; explained the proposed rezoning request. He discussed the surrounding businesses and why he felt this development was needed at this location.

Chairman Clark asked Mr. Roeder to explain the proposed single-family residential development section in more detail. Mr. Roeder stated that the single-family residential units would be located on the west side of the development, near James Pitts Drive. He stated that most of the proposed residential units were currently shown as attached townhome units with a base zoning designation of "RG-27" – General Residence Townhome District. Mr. Roeder stated that the detached single-family residential units built in this development would follow the a base designation of "RS-60" – Single Family Residence District (6,000 square feet per lot).

Commission Member Kochalka stated that he liked the proposed layout of the development. He asked if the proposed rezoning request was approved, if the developer could build multi-family residential for the entire 42 acres. Mr. Roeder stated that there was not anything in the development regulations to stop the developer from only building residential units on the property; however, he felt that the current market would prevent that from happening.

Commission Member Kochalka asked if future sites plans for this development would be Staff approvals if they followed the approved concept plan. Mr. Roeder initially stated that was correct; however, later stated that there could be occasions where a site plan would not meet the approved requirements and would need approval from the Planning and Zoning Commission.

Commission Member Thompson asked to clarify if the developer decided to build a structure that was more than three stories, if they would need to come back before the Planning and Zoning Commission for approval. Mr. Quint stated that if the developer builds the first floor to commercial standards, they could build up to five stories without having to come back before the Planning and Zoning Commission for approval. Mr. Roeder stated that the developer would need to come back before the Planning and Zoning Commission for site plans for multi-family with densities higher than 40 dwelling units per acre. Mr. Opiela agreed and stated that any site plans for multi-family residential on the property would need to come back before the Planning and Zoning

Commission to verify that an urban, high quality development is being proposed to achieve additional density up to 60 units per acre.

Commission Member Bush asked if the developer built anything more than 40 units per acre if it would need to be approved by the Planning and Zoning Commission. Mr. Opiela said yes.

Commission Member Hilton asked Mr. Roeder if the development would be built in phases. Mr. Paris Rutherford, Catalyst Urban Development, 25 Highland Park Village, Suite 100-280, Dallas, TX, stated that he wants to develop the section on Bloomdale Road and the core buildings shown in yellow on the Master Concept Plan first. He stated that the market would determine some of the phases.

Commission Member Hilton expressed concerns about a similar development from a few years ago to the south that did not develop as it was initially intended. He expressed concerns about building multi-level developments that the current market might not support.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Kochalka, seconded by Commission Member Thompson, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

The Commission voted unanimously on a motion made by Commission Member, Kochalka, seconded by Commission Member Bush, to recommend approval of the proposed rezoning request per the applicant's request with the special ordinance provision listed in the staff report, with a vote of 6-0-0.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 15, 2013.

Commission Member Kochalka stepped down during the consideration of item # 13-179SP, due to a possible conflict of interest.

**13-179SP    Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn and Associates, Inc., on Behalf of McKinney Community Development Corporation, for Approval of a Site Plan for the Gateway Hotel and Event Center, Being Fewer than 7 Acres, Located on the Northeast Corner of U.S. Highway 75 (Central Expressway) and Spur 399**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the proposed site plan and elevations. He stated that Staff recommends approval of the proposed site plan and elevations as conditioned in the staff report.

Commission Member Gilmore and Chairman Clark had questions regarding access to the proposed hotel and event center. Mr. Opiela and Mr. Michael Quint, Director of Planning for the City of McKinney, gave examples of how to get to there from various directions.

Chairman Clark asked for more information regarding the proposed conference center. Ms. Patricia Jackson, Facilities Construction Manager for the City of McKinney, stated that the proposed conference center would be approximately 20,000 sq. ft. She believed that it would be a Sheraton brand hotel.

Chairman Clark asked how the proposed events center would compare with the event center in Allen, TX. Ms. Jackson did not have that information. She stated that the proposed event center would have multiple meeting rooms, pre-function space, and a 7,500 sq. ft. ballroom that could be subdivided into smaller rooms. Ms. Jackson stated that there would be some common spaces shared between the proposed hotel and event center. She gave examples of a restaurant, lobby, and bar. Ms. Jackson stated that the open lawn area to the east of the event center could be used for various outdoor events.

Chairman Clark asked about the seating for the largest space in the proposed event center. Mr. Gary Koerner, AIA, three living architecture, 4040 N. Center Expwy., Suite 200, Dallas, TX, stated that it could hold between 500-600 people.

Commission Member Bush asked about the exterior materials proposed for the hotel and conference center. Mr. Koerner described the proposed exterior materials for the structure and had a display board with the various materials in warm tone colors. He discussed the proposed exterior elevations and displayed a rendering of the proposed structure.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Gilmore, the Commission closed the public hearing and

recommend approval of the proposed site plan and elevations as conditioned in the staff report, with a vote of 5-0-1. Commissioner David Kochalka abstained.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 1, 2013.

Commission Member Kochalka stepped down during the consideration of item # 13-185M, due to a possible conflict of interest.

**13-185M      Conduct a Public Hearing to Consider/Discuss/Comment  
on the Updated Capital Improvements Plan and Potential  
Amendments to Impact Fees for the 2012-2013 Roadway  
Impact Fee Update**

Ms. Jennifer Arnold, Planning Manager for the City of McKinney, explained the updated Capital Improvements Plan and potential amendments to impact fees for the 2012-2013 Roadway Impact Fee Update. She stated that Staff recommends that the Commission forward the updated Capital Improvements Plan and potential impact fee amendments for the 2012-2013 Roadway Impact Fee Update to City Council.

Commission Member Bush asked a question about the roadway impact fee charged for single-family residential uses. Ms. Arnold stated that the roadway impact fees are charged per development unit and that the development unit for single-family residential uses is one dwelling unit, regardless of size.

Commission Member Bush asked ask who typically pays the roadway impact fee on residential developments. Mr. Quint, Director of Planning for the City of McKinney, stated that the homebuilder typically pays the impact fees at the time of building permit issuance.

Commission Member Thompson asked how long these roadway impact fees would be effective for. Ms. Arnold stated that impact fees are updated at least every 5 years.

Commission Member Thompson asked why the City of Allen, Texas had such low impact fees. Mr. Jeff Whitacre, P.E.; Kimley-Horn and Associates, Inc.; 801 Cherry St.; Suite 950; Ft. Worth, TX; explained that the City of Allen has an infrastructure system that is more built out than McKinney, so their impact fees are less than other cities.

Chairperson Clark opened the Public Hearing and called for comments. There being none, the Commission approved the motion by Commission Member Thompson, seconded by Commission Member Hilton, to close the public hearing and recommend forwarding the updated Capital Improvements Plan and potential impact fee amendments for the 2012-2013 Roadway Impact Fee Update to City Council, with a vote of 5-0-1. Commissioner David Kochalka abstained.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting of October 15, 2013.

Commission Member Kochalka stepped down during the consideration of item # 13-184M, due to a possible conflict of interest.

**13-184M      Conduct a Public Hearing to Consider/Discuss/Comment  
on the Updated Capital Improvements Plans and Potential  
Amendments to Impact Fees for the 2012-2013 Utility  
Impact Fee Update**

Ms. Jennifer Arnold, Planning Manager for the City of McKinney, explained the updated Capital Improvements Plan and potential amendments to impact fees for the 2012-2013 Utility Impact Fee Update. She stated that Staff recommends that the Commission forward the updated Capital Improvements Plan and potential impact fee amendments for the 2012-2013 Utility Impact Fee Update to City Council.

Commission Member Gilmore asked if impact fees went into a special fund or into the City's general fund. Ms. Arnold stated that the fees go into a special fund.

Chairperson 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 Gilmore, to close the public hearing and recommend forwarding the updated Capital Improvements Plan and potential impact fee amendments for the 2012-2013 Utility Impact Fee Update to City Council, with a vote of 5-0-1. Commissioner David Kochalka abstained.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting of October 15, 2013.

Commission Member Kochalka returned to the meeting.

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



Mr. Michael Quint, Director of Planning for the City of McKinney, thanked Chairman Clark for his service on the Planning and Zoning Commission for the past six years.

Chairman Clark declared the meeting adjourned at 6:55 p.m.

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ROBERT S. CLARK  
Chairman