

Planning and Zoning Commission Meeting Minutes of February 24, 2015:

14-271Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Properties from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southwest Corner of Park Hill Lane and Harmony Lane (800 Harmony Lane) and on the Southwest Corner of Dorman Lane and Hermitage Lane (900 Hermitage Lane)

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone the subject properties generally to reduce the side yard at corner setbacks for the two lots within the Chapel Hill subdivision. Ms. Pickett stated that this request was difficult for Staff to support given that both of the subject properties are not unbuildable lots and that there were other avenues available to the applicant to pursue in order to modify the lots. She stated that Staff has further concerns that by allowing these lots to be rezoned, it would disrupt the continuity and consistency of the homes within the subdivision with some set closer to the street than others. Mr. Pickett stated that it might also create a precedent of rezoning individual lots, which could have negative effects on neighboring lots and lead to additional similar rezoning requests. She stated that Staff recommends denial of the rezoning request.

Mr. Scott Roberts, Creative Architects, 1026 Creekwood, Garland, TX, explained the proposed rezoning request and the issues with these two lots. He distributed a layout of the sites to the Commission. Mr. Roberts stated that the lots were not working as intended. He stated that they initially asked for variances on six lots within the subdivision; however, they were told that they must go before the Planning and Zoning

Commission. Mr. Roberts stated that they decided to move forward with making changes to only two of the six lots at that point. He stated that without variances, smaller homes would have to be built on these lots and would have a lower home value.

Chairman Franklin asked how long they knew there were issues with the two lots. Mr. Roberts explained that the current owners purchased the lots and plans from an existing builder. He stated that he was then called in later to look at the plans and noticed the issues with the lots. Mr. Roberts stated that they initially came in for variances in November 2014. He stated that they then submitted an application to the Planning Department in December 2014 for this request. Chairman Franklin asked if they had already purchased the lots at this time. Mr. Roberts said yes.

Chairperson Franklin opened the public hearing and called for comments.

Mr. Robert "Bob" Sampsell, 720 Chapel Hill Lane, McKinney, TX, expressed his concerns about rezoning the two lots. He stated that he had lived in the Chapel Hill subdivision for five years. Mr. Sampsell stated that the notion that these two lots were undersized was misleading. He stated that the lots had been platted since 2004. Mr. Sampsell stated that 800 Harmony was a 40' lot. He stated that some of the lots in the subdivision were 40' lots that could fit 30' homes and other were 52' lots for 40' homes. Mr. Sampsell stated that it was his belief that the applicant was planning to build street facing homes on these lots instead of homes facing the park like the rest of the homes. He felt the current owners of the lots had plenty of time to review everything prior to purchasing the lots. Mr. Sampsell stated that it was a late attempt to maximize profit. He was disappointed that he did not have more time to speak against this request.

Mr. Joseph Glahn, 716 Chapel Hill, McKinney, TX, turned in a speaker's card in opposition to the request; however, he did not speak against the request during the meeting.

With no other comments, on a motion by Vice-Chairman Hilton, seconded by Alternate Commission Member McCall, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Alternate Commission Member McCall expressed concerns about possible visibility and/or traffic issues regarding the corner lot at Hermitage and Dorman. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that site visibility could be an issue at this corner. He stated that would be something the Engineering Department would be reviewing and not something that needed to be considered at this meeting.

Chairman Franklin expressed concerns about rezoning individual lots. He felt that this request should have gone before the Board of Adjustments for a variance. Chairman Franklin also felt this could set a precedent where the Planning and Zoning Commission would see other rezoning requests for individual lots. Commission Member Gilmore was in agreement with Chairman Franklin's comments.

On a motion by Commission Member Stevens, seconded by Commission Member Gilmore, the Commission voted unanimously to recommend denial of the proposed rezoning request per Staff's recommendations, with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 17, 2015.