

## PLANNING AND ZONING COMMISSION

MAY 14, 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, May 14, 2013 at 6:00 p.m.

City Council Member Present: Mayor Pro Tem Travis Ussery

Commission Members Present: Chairman Robert S. Clark, Vice-Chairman Rick Franklin, George Bush, Jim Gilmore, and David Kochalka

Commission Members Absent: Matt Hilton and Larry Thompson

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Manager Brandon Opiela, Planners Samantha Gleinser, Leo Bethge, and Anthony Satarino, and Administrative Assistant Terri Ramey

There were approximately thirty 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 unanimously approved the motion by Vice-Chairman Franklin, seconded by Commission Member Gilmore, to approve the following four Consent Items with a vote of 5-0-0:

**13-474 Minutes of the Planning and Zoning Commission Regular Meeting of April 23, 2013**

**13-075CVP Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Hunter Alma Eldorado, L.P., for Approval of a Conveyance Plat for Lots 2R, 3, 4, and 5, Block B (Parcel 1017-1018 Addition), Being Fewer than 5 Acres, Located on the Southwest Corner of Eldorado Parkway and Alma Road**

**13-065PF Consider/Discuss/Act on the Request by Corwin Engineering, Inc., on Behalf of Custer West Partners, for Approval of a Preliminary-Final Plat for 106 Single Family Residential Lots and Lot 33, Block U of The Heights at Westridge Phase VII Addition, Being Fewer than 26 Acres, Located on the Southeast Corner of Coit Road and Westridge Boulevard**

**END OF CONSENT**

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

**13-069SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Glenn Engineering Corporation, on Behalf of Baird Real Estate Partners, L.P., for Approval of a Site Plan for an Office Building, Being Less than 1 Acre, Located Approximately 200 Feet South of Virginia Parkway and Approximately 400 Feet East of Jordan Road**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed site plan. She stated that Staff recommends approval of the proposed site plan as conditioned in the staff report.

Commission Member Bush asked Staff when a roll-away sanitation container was an appropriate use in-lieu of a dumpster. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that the City's Environmental Services Department looks at the use and size of the development to make that determination.

Mr. Michael Baird, 321 N. Central Expwy., McKinney, TX, explained the proposed site plan. He stated that he owns some Pizza Huts and Taco Bells in North Texas and West Texas. Mr. Baird stated that he currently has offices in the Prosperity Bank in McKinney; however, was outgrowing that location. He stated that he plans to build a new office building that also has a training facility.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Kochalka, seconded by Commission Member Gilmore, the Commission voted unanimously, with a vote of 5-0-0, to close the public hearing and approve the proposed site plan as conditioned in the staff report.

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

**13-063PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by Shaddock Developers, Ltd., on Behalf of MVC Investments, Ltd., for Approval of a Preliminary-Final Replat for 48 Single Family Residential Lots and 7 Common Areas (Enclave at Hidden Creek), Being Fewer than 4 Acres, Located Approximately 1,600 Feet North of Eldorado Parkway and on the East Side of Orchid Drive (REQUEST TO BE TABLED)**

Ms. Samantha Gleinser, Planner for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. Staff will re-notice for an upcoming public hearing.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Bush, the Commission voted unanimously, with a vote of 5-0-0, to close the public hearing and table the proposed preliminary-final replat request indefinitely as recommended by Staff.

Chairperson Clark stated Staff will re-notice for an upcoming meeting.

**13-061Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Creative Architects, on Behalf of Paul Sturkie, for Approval of a Request to Rezone Less than 1 Acre from "PD" - Planned Development District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Allow for a Townhome Development, Located on the Northeast Corner of Willie Street and Parker Street**

Mr. Anthony Satarino, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request.

Chairman Clark asked Staff to clarify that if this request is approved, what is built would need to generally match the elevations presented with this rezoning request. Mr. Satarino said yes. He also stated that a Certificate of Appropriateness would also be required since the property is located within the Historic District.

Mr. Scott Roberts, Creative Architects, 1026 Creekwood, Garland, TX, concurred with the staff report. He stated that they are proposing to build townhomes and felt it was a better use than the previous rental property. Mr. Roberts felt the proposed townhomes could be a catalyst to redevelop the area. He explained that they had

discussed the proposed plans for the property with the surrounding neighbors the night before. Mr. Roberts stated that they had tried to meet with them earlier; however, that day was rained out.

Chairperson Clark opened the public hearing and called for comments.

The following people spoke in opposition of the proposed rezoning request. These citizens had concerns about subdividing the lot and leaving the rental property on the corner, crime, safety, additional traffic, whether or not the townhomes would be owner occupied with a low-income fourplex on the corner, and if the proposed townhomes would stand the test of time.

- Ms. Ann Dunham, 712 Parker St., McKinney, TX
- Mr. Brian Hurlburt, 714 Parker St., McKinney, TX
- Mr. Stuart Norris, 810 Parker St., McKinney, TX
- Ms. Molly Brewer, 711 Parker St., McKinney, TX
- Mr. Aaron David, Cornerstone Christian Academy, 808 S. College St., McKinney, TX

The following people turned in speaker's cards in opposition of the proposed rezoning request; however, did not wish to speak at the meeting.

- Mr. James and Ms. Wendy Long, 608 Parker St., McKinney, TX
- Mr. Wayn and Ms. Kelly Brown, 604 Parker St., McKinney, TX

Mr. Paul Sturkie, 202 Redbud Trail, McKinney, TX, stated that he had owned the property for approximately 12 years. He stated that he spoke with Ms. Brewer about a year ago and decided to place the property up for sale to see what developers might propose for the property. Mr. Sturkie stated that the Cornerstone Christian Academy had made too low of an offer on the property for him to consider selling it to them. He stated that he was impressed with Mr. Roberts proposal of building nice townhomes. Mr. Sturkie stated that if this deal falls through, then he plans to rebuild rental apartments on the property.

Mr. Michael Quint, Director of Planning for the City of McKinney, stated that multi-family residential was currently an allowed use on the property. He mentioned some of the City's standards which would need to be met if the owner decided to rebuild a multi-family residential structure. Mr. Quint stated that if the proposed rezoning request is approved by City Council then it would not allow multi-family residential units

to be built on the property. He also stated that the current multi-family structure would then be considered legally non-conforming. Mr. Quint stated that when the units became unoccupied for 12 months or more, then they could not be reused for the non-conforming use. He stated that if the proposed rezoning request is approved then it would prohibit multi-family residential uses on the property and the structures built would need to generally match the proposed elevations.

Ms. Ann Dunham, 712 Parker St., McKinney, TX, expressed her concerns again about the current multi-family residential unit on the property and requested that the owner remove that building from the property. Chairman Clark stated that the Planning and Zoning Commission could not make the owner remove the current structure.

Mr. Scott Roberts stated that Mr. Gary Nail had wanted to purchase the whole property; however, it was not made available to him. Mr. Roberts believed that Mr. Nail would be interested in purchasing that corner property to build additional townhomes on if it becomes available.

Mr. Roberts asked Staff if a certain percentage of the current structure was significantly damaged if it would not be allowed to be rebuilt. Mr. Quint stated that if the structure was damaged over 50% over its fair market value then the structure would need to be demolished.

Mr. Roberts stated that the sale of the townhome units are planned to be sold for approximately \$250,000 each; therefore, he did not believe that the owners would try to rent them out. He stated that there would be an HOA (Homeowner's Association) for this development, so it would be maintained.

Commission Member Gilmore asked Mr. Roberts if the low-income rental property would affect the salability and value of the townhomes. Mr. Roberts said it was possible. He stated that Mr. Nail had spoken with the property owner about sprucing up the rental property.

Commission Member Kochalka asked Mr. Roberts about the difference in the number of units that were on the property and how many are proposed. Mr. Roberts stated that it will go down from twelve units to nine units. He stated that they would also be larger and more valuable units.

Commission Member Kochalka asked Mr. Roberts if they have a concept plan for the site. Mr. Roberts said yes and distributed a copy for the Planning and Zoning Commission Members to review.

Commission Member Kochalka asked Staff about the setbacks on the property. Mr. Quint stated that the setbacks were being addressed with the special ordinance provisions listed in the staff report. Mr. Roberts stated that the special ordinance provisions would also apply to the corner lot.

On a motion by Commission Member Kochalka, seconded by Commission Member Bush, the Commission voted unanimously, with a vote of 5-0-0, to close the public hearing.

Vice-Chairman Franklin felt the applicant should have worked with the surrounding residents sooner than the night before the meeting.

Commission Member Kochalka stated that he liked the proposed townhome development. He stated that he would like to see the applicant and surrounding residents discuss the plans more so the neighbors would be onboard with the project.

Chairman Clark explained that if the Planning and Zoning Commission makes a recommendation to deny the request, then it would take a supermajority of City Council to approve the request.

Chairman Clark asked the applicant if he would be opposed to having the item tabled to another meeting to give the applicant and surrounding neighbors a chance to discuss the project in more detail. Mr. Roberts stated that he was okay with tabling the request. He stated that there was a chance that the sale of the property could fall through though.

Chairman Clark felt the proposed townhomes were an improvement over the current rental structure than what could be currently built on the property.

On a motion by Commission Member Bush, seconded by Vice-Chairman Franklin, the Commission voted unanimously, with a vote of 5-0-0, to table the rezoning request until the June 25, 2013 Planning and Zoning Commission meeting.

Chairman Clark stated that Staff would renote for a public hearing on this item for the Planning and Zoning Commission Meeting on June 25, 2013.

Vice-Chairman Franklin stepped down during the consideration of item # 13-048Z2, due to a possible conflict of interest.

**13-048Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of LF Development Partners, L.P., for Approval of a Request to Rezone Fewer than 2 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for a Daycare Use, Located on the East Side of Lake Forest Drive and Approximately 1,000 Feet South of U.S. Highway 380 (University Drive)**

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.

Mr. David Craig, Craig International, Inc., 6850 TPC Drive, Suite # 210, McKinney, TX, explained the proposed rezoning request. He displayed and briefly discussed some photographs that he had taken of the site. Mr. Craig stated that the hours of operation would be Monday through Friday from 6:30 a.m. to 7:30 p.m. He stated that the building would be one-story and a quality product. Mr. Craig felt there was a demand for daycare and it would be an appropriate use in this area. He felt there would be plenty of buffering between the surrounding neighbors and the daycare.

Commission Member Kochalka asked Mr. Craig about the symbols shown on one of the aerials displayed on the screen. Mr. Craig explained that those were showing possible playground areas in the backyard of the daycare. He stated that they were only shown as examples.

Commission Member Gilmore asked Mr. Craig if they plan to build a 6' privacy fence along the back of the property. Mr. Craig said yes. He stated that they do not want to compromise the bank of the creek in the back of the property. Mr. Craig stated that they plan to build a 4' subterranean with concrete and then a 6' board on board fence above the concrete.

Chairperson Clark opened the public hearing and called for comments.

Ms. Liz McElhaney, 1811 Meadow Ranch, McKinney, TX, spoke in opposition to the request. She expressed concerns about a daycare located directly behind their home creating a negative impact of their quality of life, decreasing property values, removal of approximately 80% of the trees and vegetation on the property causing a lack of privacy, increased road noise from Lake Forest since the removal of the trees, the daycare being open for business 13 hours a day, and inadequate screening. Ms. McElhaney stated that she preferred the current zoning for the property. She stated

that this location would be open for a longer period of time compared to their daycare on Eldorado Parkway.

Commission Member Bush asked Ms. McElhaney to point out which lot she owned on the aerial displayed on the screen. Ms. McElhaney stated that she was to the south of Mr. Bradley's property. Commission Member Bush stated that her house would be 312' from the daycare's fence.

On a motion by Commission Member Kochalka, seconded by Commission Member Gilmore, the Commission voted 4-0-1, to close the public hearing. Vice-Chairman Franklin abstained.

Commission Member Bush stated that he lives on approximately 3.50 acres that is located approximately 250' away from an elementary school. He stated that he does not have the advantage of the screening that the proposed property has on it. Commission Member Bush stated that he did not hear the children at the school.

Commission Members Gilmore and Kochalka also did not feel that there would be a noise issue from the daycare.

On a motion by Commission Member Kochalka, seconded by Commission Member Bush, the Commission voted 4-0-1, to recommend approval of the rezoning request as recommended by Staff. Vice-Chairman Franklin abstained.

Vice-Chairman Franklin returned to the meeting.

**13-080Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of D.R. Horton - Texas, Ltd., for Approval of a Request to Rezone Fewer than 4 Acres from "PD" - Planned Development District to "PD" - Planned Development District, to Allow for Single Family Residential Uses, Located Approximately 2,200 West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends denial of the proposed rezoning request due to lack of conformance with the density requirements of the Comprehensive Plan.

Mr. Jerry Sylo, JBI Partners, 16301 Quorum, Suite # 200B, Addison, TX, explained the proposed rezoning request. He stated that the proposed development would have 14 lots. Mr. Sylo stated that they are requesting a maximum density of 4.67 dwelling units per acre. He discussed the surrounding zoning and the density of those



properties. Mr. Sylo stated that he believes this request is very compatible with the surrounding properties. He mentioned that the Commission Members had recommended approval of the proposed rezoning at the April 9, 2013 Planning and Zoning Commission meeting and asked for a favorable recommendation again.

Chairman Clark asked Staff if City Council had denied the request when it was presented to them. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that City Council had approved the rezoning request as recommended by Staff. He felt that Staff had not given all of the needed information to City Council for them to make an informed decision about the request. Mr. Quint explained that the applicant requested to have the rezoning request brought back before the Planning and Zoning Commission and City Council with this additional information.

Chairman Clark asked Staff why they recommended denial of this request. Mr. Quint stated that this request did not meet the Comprehensive Plan's density requirements. He stated that Staff recognizes that the request is consistent with the surrounding developments.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Bush, seconded by Vice-Chairman Franklin, the Commission voted unanimously, with a vote of 5-0-0, to close the public hearing and to recommend approval of the rezoning request as recommended by the applicant with a maximum density of 4.67 dwelling units per acre.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on May 21, 2013.

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

Chairman Clark declared the meeting adjourned at 7:10 p.m.

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ROBERT S. CLARK  
Chairman