

Planning and Zoning Commission Meeting Minutes of December 10, 2019:

19-0077Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-84" - Single Family Residence District to "PD" - Planned Development District, Located Approximately 180 Feet North of Albany Drive on the East Side of Sorrell Road, Generally to Modify the Development Standards. Mr. Joe Moss, Planner for the City of McKinney, explained the proposed rezoning request. He stated that approximately 35 letters of opposition and one notice of a protest petition that was filed regarding this case were distributed to the Commission prior to the meeting. Mr. Moss stated that the proposed zoning was a "PD" Planned Development based off of SF5 – Single Family Residential District with a minimum lot size of 5,000 square feet; however, they also propose a mean and median size lot requirement of 7,200 square feet. He stated that they were proposing a mixture of lot sizes with more variety of housing choices. Mr. Moss stated that the maximum density would be 3.2 units per acre, which was lower than the surrounding developments. He stated that the proposed development regulations increase the lot width from 40' to 50' and the side yard setbacks to 5' instead of accommodating zero lot lines. Mr. Moss stated that the applicant also proposed a provision of exceptional quality with 18 acres of open space, 400 square feet gazebo, and ¾ mile of trails in the proposed development. He discussed the surrounding developments. Mr. Moss stated the existing neighborhoods have three points of access from Hardin Boulevard. He stated that Staff did not feel that Sorrell Road would be adversely impacted by the proposed

development, given the street network in the area. Mr. Moss stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Commission Member Haeckler wanted to clarify that the proposed rezoning request could be less dense; therefore, possibly having less traffic than what would currently be allowed under the current zoning. Mr. Moss stated that the proposed rezoning request's density was comparable to the surrounding developments. Alternate Commission Member Woodruff asked how much green space was allowed under the current zoning. Mr. Moss stated that there is not a lot of open space required with straight zoning. He also gave examples of when a landscape buffer was required. Commission Member McCall asked if there was any flood plain on the property. Mr. Moss stated that a lot of the rear portion of the property was located in the flood plain. Commission Member McCall asked for the location of the three access points to the property. Mr. Moss stated that they were at Piersall Drive, Sorrell Road, and Ferneaux Creek. He stated that the three access points should help disperse the traffic. Mr. Moss stated that the applicant also owns a parcel where they could have a gated, fire only access point. He stated that the applicant would be working in the Engineering Department to come up with viable access solutions, which would happen during the platting process. Commission Member Doak asked if the 18 acres of open space was actually the flood plain portion of the property that probably could not be developed anyway. Mr. Moss stated that the plat has not been submitted at this time. He stated that there should be some usable open space located in other areas on the property. Mr. Moss gave an example of where the gazebo would be built. Commissioner Mantzey asked for clarification on the minimum lot

size, mean and median size. He also confirmed the zoning minimum lot size of the neighborhoods to the North and South. Commission Member Doak asked if the lots in Sorrell Wood Subdivision were a standard size or if they varied. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that subdivision had minimum lot size requirements; whereas, the proposed rezoning request has minimum lot size requirements as well as minimum mean and median lot size requirement. Alternate Commission Member Woodruff asked for clarification on how the density of 3.2 units per acre was calculated. Mr. Moss stated that it was calculated based upon the overall development size. He stated that it was common for developers to leave the flood plain portions off of the plat. Mr. Moss stated that they would be required to have an average lot size of 7,200 square foot and the various lot sizes would need to average out to meet this requirement. Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard; Suite 300; McKinney, TX; concurred with the Staff Report. He explained the proposed rezoning request. Mr. Roeder stated that the request was setting minimum standards, not maximum standards. He gave examples of how to calculate the mean and median lot sizes. Mr. Roeder stated that this would give them some flexibility on platting the property. He stated that they met with the residents of Sorrell Circle. Mr. Roeder stated that they did not anticipate including an access point through Sorrell Circle. He discussed the surrounding roadways. Mr. Roeder stated that during the platting process City Staff will let them know if the roads need to be improved or not for the proposed development to occur. He stated that the proposed "PD" – Planned Development District would remove the zero lot lines and

remove the 40' lot size allowances within the standard SF-5 zoning district. Mr. Roeder requested a recommendation of approval and offered to answer questions. Commission Member Doak asked for clarification on the proposed 18 acres of open space. Mr. Roeder did not know how much of the 18 acres would be located in the floodplain portion of the property. He stated that until it is platted, they would not know for sure. Mr. Roeder stated that if the 18 acres was removed that the density still would not exceed the density of the surrounding development. Chairman Cox opened the public hearing and called for comments. The following 23 people spoke in opposition or had questions regarding the proposed rezoning request:

- Mr. Mike Harrison, 317 Turtle Creek, McKinney, TX
- Mr. Ray Couey, 2904 Mountain Creek Drive, McKinney, TX
- Mr. G.R. "Russ" Mortenson, 2804 Albany Drive, McKinney, TX
- Ms. Beth Mortenson, 2804 Albany Drive, McKinney, TX
- Ms. Lorraine Breece, 301 Turtle Creek Drive, McKinney, TX
- Ms. Molly McLeay, 817 Lockhart Drive, McKinney, TX
- Mr. Gary Stanford, 2904 Sorrell Circle, McKinney, TX
- Ms. Catherine Stanford, 2904 Sorrell Circle, McKinney, TX
- Mr. Chris Bower, Miklos Cinclair PLLC, 1800 Valley View Lane # 360, Farmers Branch, TX
- Ms. Karen Sowards, 625 Sorrell Road, McKinney, TX
- Mr. Paul Sowards, 625 Sorrell Road, McKinney, TX
- Dr. Kajuri Ramchand, 2901 Sorrell Circle, McKinney, TX
- Ms. Molly Ann Disney, 2800 Albany Drive, McKinney, TX

- Ms. Linda Walker, 801 Lockhart Drive, McKinney, TX
- Mr. William Sass, 808 Snyder Drive, McKinney, TX
- Mr. Javier Campos, 309 Gentle Creek Drive, McKinney, TX
- Ms. Ruth Jordan, 2704 Albany Drive, McKinney, TX
- Ms. Jacqueline Cardelino, 813 Lockhart Drive, McKinney, TX
- Mr. Jason Moore, 2724 Albany Drive, McKinney, TX
- Ms. Jeanie Morrison, 2905 Mountain Creek Drive, McKinney, TX
- Mr. Andres Sakelson, 2701 Albany Drive, McKinney, TX
- Mr. John Ross, 2701 White Rock Creek Drive, McKinney, TX
- Ms. Joy Wood, 620 Denton Creek Drive, McKinney, TX

They expressed concerns regarding: lack of communication, increased density, increased traffic and resulting impact on roads, lack of two viable access points, decreased property values, removal of trees, mitigation of the flood plain, drainage, erosion, air pollution, noise pollution, light pollution, visual blight, possible loss of the retaining wall, lack of privacy, overcrowding of schools, safety of children playing in the streets, effects on the local wildlife, lack of green space not included in the flood plain, issues with the power grid, lack of proposing an exceptional design or innovation element for the development, substandard development quality, and changes to what they were originally told would happen on the property by the property owner. Mr. and Mrs. Mortenson, 2804 Albany Drive, McKinney TX, also gave a presentation and distributed handouts of the presentation to the Commission prior to the meeting which detailed their opposition to the proposed rezoning request. Mr. Chris Bower, Miklos Cinclair PLLC, 1800 Valley View Lane # 360, Farmers Branch, TX also

spoke in opposition to the rezoning request and distributed a handout to the Commission. The following 34 people turned in Speaker Cards in opposition to the request; however, did not wish to speak during the meeting:

- Ms. Karen James, 404 Gentle Creek Drive, McKinney, TX
- Ms. Lauren Solano, 305 Turtle Creek Drive, McKinney, TX
- Ms. Karen Vest, 309 Bachman Creek Drive, McKinney, TX
- Mr. Michael Lestage, 2728 Albany Drive, McKinney, TX
- Mr. Adam Allan, 813 Lockhart Drive, McKinney, TX
- Ms. Julee Simonsen, 300 Bachman Creek Drive, McKinney, TX
- Ms. Carroll Moore, 2724 Albany Drive, McKinney, TX
- Mr. Antonio Hernandez, 290 Mountain Creek Drive, McKinney, TX
- Mr. Brad Walker, 801 Lockhart Drive, McKinney, TX
- Ms. Jennifer Williams, 325 Turtle Creek Drive, McKinney, TX
- Ms. Amber Salmon, 317 Gentle Creek Drive, McKinney, TX
- Mr. Monte McGowan, 2813 Piersall Drive, McKinney, TX
- Ms. Danette Biggs, 308 Turtle Creek Drive, McKinney, TX
- Mr. Paul Biggs, 308 Turtle Creek Drive, McKinney, TX
- Mr. Don Brister, 2900 Mountain Creek Drive, McKinney, TX
- Ms. Kristi Sanfelippo, 313 Turtle Creek Drive, McKinney, TX
- Mr. Harold Schreiner, Jr., 2717 Albany Drive, McKinney, TX
- Ms. Janet Schreiner, 2717 Albany Drive, McKinney, TX
- Ms. Claudia Ross, 2701 White Rock Creek Drive, McKinney, TX
- Ms. Malgorzata Gortych, 2513 Elk Run Road, McKinney, TX
- Mr. Michael Breece, 301 Turtle Creek Road, McKinney, TX

- Mr. Ernesto Sobrevilla, 2720 Piersall Drive, McKinney, TX
- Ms. Dorothea Levine, 825 Lockhart Drive, McKinney, TX
- Mr. Frank Bures, 809 Synder Drive, McKinney, TX
- Ms. Kelsie Stanford, 2904 Sorrell Circle, McKinney, TX
- Ms. Rene Cabeza, 2744 Albany Drive, McKinney, TX
- Mr. Vishal Ramchand, 2901 Sorrell Circle, McKinney, TX
- Ms. Carolyn Gilbert, 505 Denton Creek Drive, McKinney, TX
- Mr. Larry Gilbert, 505 Denton Creek Drive, McKinney, TX
- Mr. Richard Levine, 825 Lockhart Drive, McKinney, TX
- Ms. Pat Przada, 2724 Piersall Drive, McKinney, TX
- Mr. Joseph Lucas, 612 Sorrell Road, McKinney, TX
- Ms. Cristina Gomez-Moe, 312 Turtle Creek Drive, McKinney, TX
- Mr. Chad Williams, 325 Turtle Creek Drive, McKinney, TX

The following people turned in letters of opposition that were distributed to the Commission prior to the meeting:

- Mr. Mike and Ms. Lori Breece
- Ms. Kim Cabeza
- Ms. Rene Cabeza
- Mr. Javier Campos
- Ms. Jacqueline Cardelino
- Mr. John Davis
- Ms. Lori Breece
- Mr. Frank Bures
- Ms. Melissa and Mr. Tin Chan
- Mr. Bob and Ms. Judy Given

- Mr. Winston S. and Ms. Patricia M. Jones
- Ms. Ellen Landrum
- Mr. Michael Lestage
- Ms. Molly McLeay
- Mr. G. Russell and Ms. Beth A. Mortenson
- Mr. Joel and Ms. Diana Owens
- Mr. Erik and Ms. Julee Simonsen
- Mr. Paul and Ms. Karen Sowards
- Ms. Catherine Stanford
- Ms. Molly Disney
- Mr. Michael Harrison
- Ms. Karen James
- Mr. Michael Lestage
- Ms. Molly McLeay
- Ms. Isha Mittal
- Ms. Jeannie Morrison
- Mr. Mizan Rahman
- Ms. Deborah Sass
- Mr. Ernesto Sobrevilla
- Ms. Karen Sowards
- Mr. Gary Stanford
- Ms. Catherine Stanford

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

for the minimum lot sizes of the surrounding neighborhoods. Mr. Moss stated that the Provine Farm Estates has a minimum lot size of 12,000 square foot. He stated that Eldorado Lakes and Stonegate 2 are zoned "RS84" – Single Family Residence District and have minimum lot sizes of 8,400 square foot. Mr. Moss stated that Hardin Lake has a minimum lot size of 4,500 square foot. He stated that Sorrellwood Park has a minimum lot size of 7,200 square foot. Mr. Moss stated that the proposed zoning would have a mean and median lot size of 7,200 square foot. He stated that Staff feels that the proposed lot sizes were in line with the surrounding developments. Commission Member Haeckler asked Staff to discuss flood plain mitigation. Mr. Moss stated that if any property was reclaimed from the flood plain that the developer would need to address any water displacement and the plan would need to be approved by the Engineering Department. Commission Member Doak wanted to verify that the proposed rezoning request did away with zero lot lines. Mr. Moss said yes and they would be requiring a 5' side yard setback. He stated that was in line with the subdivisions to the north and south. Commission Member Doak stated that there seems to be a lot of confusion on the surrounding residential property owners regarding what was being proposed for the subject property. Commission Member Doak asked Staff to explain the different projected values listed on the fiscal analysis included in the Staff Report. Mr. Moss stated that it compared the potential development with the existing zoning versus the proposed zoning. Commission Member Doak stated that the lower tax value should not be viewed as a negative, since it would mean the development would be less dense and have less traffic. Vice-Chairman Mantzey asked for clarification on what was being

given up and if the applicant was gaining anything by requesting a “PD” – Planned Development District. Mr. Moss stated that the applicant had increased the standards that would normally be required for “SF5” – Single Family Residential District with requiring wider lot widths, 5’ side yard setbacks, and adding the open space provisions. Chairman Cox asked Staff to discuss the traffic concerns mentioned by the residents. Mr. Moss stated that Staff currently has not seen a plat for the proposed development. He stated that when the plat is submitted it will be evaluated by the Engineering Department to verify that the roads servicing the development would be adequate to handle the traffic flow. Mr. Moss stated that if the Engineering Department determines that Sorrell Road needs to be improved to meet the new traffic demand then they would require the developer to make that improvement. Alternate Commission Member Woodruff asked for clarification on the access points. Ms. Arnold stated that all single-family developments require two points of fire access. She stated that the two points of access for the proposed development are still unknown. Ms. Arnold stated that there have been discussions with the Fire Department regarding having a single point of access with the houses that would be required to have sprinklers. Vice-Chairman Mantzey stated that the access issues would be the same whether or not it develops under the current versus the proposed zoning. Ms. Arnold stated that was correct. Commission Members Doak and Haeckler stated that trees would be removed whether developed under the current or proposed zoning. Commission Member Haeckler asked if there could be a case where the density and traffic would not be less. Mr. Moss stated that there could be pockets of more dense development; however, the overall development

has a less dense cap than the existing zoning. Chairman Cox asked if the plat would come before the Commission for review. Mr. Moss stated that the only time a plat would come before the Commission was if the applicant was seeking a variance. Typically plats go to city council for variances, but under some circumstances, they can go to the Planning and Zoning Commission. He stated that if they meet the requirements of the existing ordinances then by law the City has to approve it. Chairman Cox stated that the citizens could stay in contact with Staff and view submissions on the City's website to keep up with the status of the proposed development. Chairman Cox asked Mr. Roeder to explain the proposed lot sizes. Mr. Roeder stated that he had not seen a final plat for the subject property. He explained that when all of the lots were added together and then divided by the number of lot that it would need to average at least 7,200 square foot. Mr. Roeder stated that this would give them some flexibility when laying out the lots. Commission Member Haeckler asked what type of communication had been done with the surrounding property owners. Mr. Roeder stated that he attended a meeting with the Sorrell Circle property owners and their attorney. He stated that he reported to their attorney several weeks ago that they abandoned any effort to go through Sorrell Circle. Mr. Roeder stated that it was his understanding that his client had met with the officers of Hardin Lakes Homeowners Association (HOA) and a number of the adjoining residents and the residents of to the north. Commission Member Doak asked about the proposed layout that a resident shared with the Commission. Mr. Roeder stated that was an original proposed layout; however, it was no longer the proposed design. He stated that there would only be 90 – 95 lots likely developed on the

subject property. Alternant Commission Member Woodruff asked for clarification on the access points and the Covenants, Conditions & Restrictions (CC&Rs) mentioned by the residents. Mr. Roeder stated that the current Covenants, Conditions & Restrictions (CC&Rs) prohibit the use of the lot for anything other than single-family residence. He stated that Dr. Ragsdale owns the property and currently does not propose to have access through it. Vice-Chairman Mantzey stated that he felt that the City's ordinances and requirements would protect most of the resident's concerns presented tonight. Vice-Chairman Mantzey felt the proposed rezoning fit in with the surrounding area and would bring in good people to the community. He stated that he was in favor of the proposed rezoning request. Commission Member Doak stated that there has to be balance and understanding that when developing land that some modifications have to be made. He stated that development will happen and needs to be done in a smart manner. Commission Member Doak stated that staff has done a tremendous job with working on this request. He believed that the proposed rezoning request met the City's standards. Commission Member McCall concurred with Vice-Chairman Mantzey and Commission Member Doak's comments. He expressed concerns about access, building on the flood plain, and the plat possibly not coming before the Commission for review if it meets all of the City's requirements. Commission Member McCall felt that the proposed rezoning would complement the surrounding area. Commission Member Haeckler reiterated some of the main concerns raised by the surrounding residents tonight. He felt that the proposed zoning would have less traffic than the current zoning might create. Commission Member Haeckler stated that he

was in favor of the proposed rezoning request. Alternate Commission Member Woodruff stated that he concurred with the other Commission Member's comments. He felt that the proposed rezoning request was reasonable. Alternate Commission Member Woodruff stated that all of the questions and concerns raised were valid and should be addressed during other phases of the development process. He stated that he was in favor of the proposed rezoning request. Chairman Cox expressed how important it was that the residents attended the meeting to voice their concerns and questions. He stated that City Council would be aware of what was said and done during this meeting. Chairman Cox stated that he agreed that the proposed rezoning request was appropriate for the area. He stated that the density would be less than what could currently be developed on the property. Chairman Cox stated that he would vote in favor of the request. On a motion by Commission Member Doak, seconded by Commission Member Taylor, the Commission unanimously voted to recommend approval of the proposed 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 January 7, 2020.