

## **PLANNING AND ZONING COMMISSION**

**JUNE 9, 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, June 9, 2015 at 6:00 p.m.

City Council Present: Mayor Pro Tem Travis Ussery

Commission Members Present: Chairman Rick Franklin, Vice-Chairman Matt Hilton, Jim Gilmore, Mark McReynolds, and Dick Stevens

Commission Members Absent: Deanna Kuykendall, Eric Zepp, and Cameron McCall - Alternate

Staff Present: Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Planning Managers Brandon Opiela and Matt Robinson; Planner II Samantha Pickett; Planners Eleana Galicia and Aaron Bloxham; and Administrative Assistant Terri Ramey

There were approximately 25 guests present.

Chairman Franklin called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairperson Franklin 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. Chairperson Franklin 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 stated that guests would need to limit their remarks to three minutes and speak only once. Chairperson Franklin 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.

Chairman Franklin continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Vice-Chairman Hilton, seconded by Commission Member Stevens, to approve the following two Consent items with a vote of 5-0-0.

**15-535       Minutes of the Planning and Zoning Commission Work  
Session of May 26, 2015**

**15-536       Minutes of the Planning and Zoning Commission  
Regular Meeting of May 26, 2015**

**END OF CONSENT**

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

**14-217Z       Conduct a Public Hearing to Consider/Discuss/Act on a  
Request to Rezone the Subject Property from "C" -  
Planned Center District and "O" - Office District to "SF5"  
- Single Family Residential District, Located on the  
South Side of Geren Trail and Approximately 1,220 Feet  
East of F.M. 1461 (REQUEST TO BE TABLED)**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. She offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing and table the proposed rezoning request indefinitely, with a vote of 5-0-0.

**15-136Z       Conduct a Public Hearing to Consider/Discuss/Act on a  
Request to Rezone the Subject Property from "PD" -  
Planned Development District, "AG" - Agricultural  
District, and "CC" - Corridor Commercial Overlay  
District to "PD" - Planned Development District and  
"CC" - Corridor Commercial Overlay District, Located  
Approximately 600 Feet West of Custer Road and on the  
South Side of U.S. Highway 380 (University Drive)  
(REQUEST TO BE TABLED)**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled to the June 23, 2015 Planning and Zoning Commission meeting per the applicant's request. She offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Vice-Chairman Hilton, the Commission voted unanimously to continue the public hearing and table the

proposed rezoning request to the June 23, 2015 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 5-0-0.

**15-102SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for an Auto Body Repair and Paint Shop (Caliber Collision), Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 400 Feet West of Hardin Boulevard (REQUEST TO BE TABLED)**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled to the June 23, 2015 Planning and Zoning Commission meeting due to public hearing notification signs not being posted on the subject property within the timeframe required by the Zoning Ordinance. She offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Hilton, seconded by Commission Member McReynolds, the Commission voted unanimously to continue the public hearing and table the proposed specific use permit request to the June 23, 2015 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 5-0-0.

**15-132SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Road (Auburn Hills), Located on the North Side of U.S. Highway 380 (University Drive), South Side of Wilmeth Road and East of County Road 166) (REQUEST TO BE TABLED)**

Ms. Eleana Galicia, Planner for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely due to a Staff noticing error. She offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Vice-Chairman Hilton, the Commission voted unanimously to close the public hearing and table the proposed specific use permit request indefinitely, with a vote of 5-0-0.

**15-006Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located on the South Side of Stacy Road and at the Terminus of McKinney Ranch Parkway**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request and changes to the request since it was last presented. She stated that Staff recommends approval of the proposed rezoning request as conditioned in the Staff report. She offered to answer questions. There were none.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the proposed rezoning request and the changes to the request since it was last presented. He expressed concerns regarding a condition in the Staff report that said the subject property shall generally conform to the attached site layout exhibit. Mr. Roeder stated that the loting pattern might change from what was currently shown on this site layout exhibit. He felt that the boundary exhibit located in the Staff report should be tied to the ordinance instead. Ms. Pickett stated that Staff was in agreement. She stated that it was being called the site layout exhibit for the purposes of the language in the ordinance. Mr. Roeder requested a favorable recommendation. He offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Hilton, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 5-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

**15-084Z2     Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Allow for Single Family Detached and Attached Residential Uses, Located Approximately 800 Feet East of Alma Road and on the North Side of Collin McKinney Parkway**

Mr. Aaron Bloxham, Planner for the City of McKinney, explained the proposed rezoning request. He stated that the applicant had provided a couple of conceptual layouts to show the potential development options being considered for the property. Mr. Bloxham stated that Staff recommends approval of the proposed rezoning request

with the special ordinance provisions listed in the Staff report. He offered to answer questions. There were none.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the proposed rezoning request and stated that his client concurred with the recommendations in the Staff report. He stated that they were requesting that the whole tract of property be rezoned for single-family residential uses with the option that the northern tract could have townhomes developed on it. Mr. Roeder stated that they were also requesting to remove the 70-foot maximum lot width requirement on the single-family lots. He requested a favorable recommendation. Mr. Roeder offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Stevens, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 5-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

**15-099Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "CC" - Corridor Commercial Overlay District to "SF7.2" - Single Family Residential District and "CC" - Corridor Commercial Overlay District, Located on the South Side of U.S. Highway 380 (University Drive) and on the West Side of Gray Branch Road**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request. Ms. Pickett offered to answer questions.

Chairman Franklin asked if anybody had looked at the access to the property and the impact to Gray Branch Road with the proposed development. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Planning and Engineering Staff had briefly discussed it. He stated that this request was for the land use entitlements for the property. Mr. Quint stated that just because the property was zoned for single family residential uses did not necessarily mean that it could be built for

single family residential uses if it did not meet all of the necessary requirements. He stated that if the property was developed for residential uses, then it would need to meet the City's access requirements.

It was announced, after the item had been started, that the applicant was running late to the meeting. Chairman Franklin announced that this item would be moved to the bottom of the regular agenda items to allow the applicant additional time to arrive to the meeting.

Chairman Franklin continued the meeting with the following agenda item.

**15-104MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 1R and 2, Block A, of the Methodist McKinney Medical Campus Addition, Located on the Northwest Corner of Eldorado Parkway and Stonebridge Drive**

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed minor replat. She stated that Staff recommends approval of the proposed minor replat as conditioned in the Staff report.

Mr. Jerry Huffman, 5880 Ashmill Dr., Plano, TX, offered to answer questions. There were none.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Hilton, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing and approve the minor replat as recommended by Staff, with a vote of 5-0-0.

Chairperson Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

**15-052SP2 Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Retail Building and Restaurant with Drive-Through Window (Chicken Express), 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 site plan and three design exceptions. He stated that Staff was recommending approval of the proposed site plan and design exceptions as conditioned in the Staff report. He offered to answer questions. There were none.

Mr. Arlyn Samuelson, Pogue Engineering, 1512 Bray Central Dr., McKinney, TX, briefly discussed the request and offered to answer questions. There were none.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Vice-Chairman Hilton, the Commission voted unanimously to close the public hearing and approve the site plan and design exceptions as recommended by Staff, with a vote of 5-0-0.

**15-099Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "CC" - Corridor Commercial Overlay District to "SF7.2" - Single Family Residential District and "CC" - Corridor Commercial Overlay District, Located on the South Side of U.S. Highway 380 (University Drive) and on the West Side of Gray Branch Road**

Chairman Franklin opened the public hearing and called for comments

Mr. Robert Miller; Prager & Miller, PC; 14911 Quorum Dr.; Dallas, TX; stated that he was representing most of the residential neighbors that live on Gray Branch Road. He preferred to wait for the applicant to make his presentation before he made his comments on this request.

The applicant was not present at the meeting yet, so Chairman Franklin called for a five minutes break to allow the applicant more time to arrive to the meeting. He stated that if the applicant was not present after the five minutes break was over then he would request that the item be tabled to the next Planning and Zoning Commission meeting.

Mr. Ralph Bush, 206 E. Short, Franklin, TX, apologized for being late to the meeting. He explained the proposed rezoning request. Mr. Bush stated that they had worked with Staff on determining the best way to rezone the approximately 53 acres of property. He stated that they were willing to work through the issues with Gray Branch Road, the bridge, and sewer line. Mr. Bush offered to answer questions. There were none at this time.

Mr. Robert Miller mentioned the residents that he was representing. He stated that most of them were in attendance at the meeting and opposed the rezoning request. Mr. Miller stated that they would be filing their objections to the request. He felt that the applicant was proposing to build tract homes on small lots, which he did not feel that would be an appropriate use for the property. Mr. Miller stated that there were some estate homes on large acreage located near this property. He stated that two of these residences were over 10,000 square feet. Mr. Miller stated that Gray Branch Road was

a country lane. He stated that all of the property owners have agricultural (AG) exemptions on their properties. Mr. Miller stated that building this subdivision next to these larger properties would destroy the country character that was there now. He stated that Gray Branch Road was the only access to this property and he did not feel that it was an appropriate access given that it was currently a tar and gravel road that was about 18 feet wide and was not designed for heavy traffic. Mr. Miller stated that the property owners to the west of this property did not want to give access across their property to Ridge Road. He stated that on the Future Land Use Plan (FLUP) the property was shown for high density residential uses. Mr. Miller also felt that would be an inappropriate use for the property. He restated that the proposed plans for this property would destroy the character of the surrounding neighborhood. Mr. Miller offered to answer questions. There were none.

Mr. Michael Buchanan, 900 Gray Branch, McKinney, TX, spoke in opposition to the request and agreed with Mr. Miller's comments. He stated that the seller of this property stated in his letter of intent that Gray Branch Road was an exclusive, unique enclave that was home to a small group of residents who value its beautiful, natural ambiance and unprecedented privacy. Mr. Buchanan felt this proposal was completely opposite to that statement. He stated that the surrounding properties were two acres and larger. Mr. Buchanan stated that a lot of neighbors walk and bike on Gray Branch Road. He stated that they work at keeping the road clean and landscaped. Mr. Buchanan stated that the applicant had not spoken with the surrounding property owners about what they propose to develop on the property. He requested that this proposed rezoning request be recommended for denial.

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

Commission Member Gilmore wanted to clarify that Staff was recommending approval of the proposed rezoning request. Ms. Pickett stated yes.

Commission Member Stevens felt there were two issues with the proposed property being developed, one being that the surrounding property owners did not want this proposed residential development, and the other being access to this property. He



asked about the property to the east. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the property to the east was owned by the City of McKinney, which planned to build a park there. He thought that the main access to this park would be off of Lake Forest Drive. Mr. Quint stated that if the proposed property was developed for residential uses then it would need two points of access. He felt that Gray Branch Road would need to be improved and there would need to be some bridge structures constructed to be able to handle the amount of traffic from this type of development. Mr. Quint stated that the applicant would have to work out all of these types of issues before they could develop the property.

Commission Member Stevens asked if there was any type of development to the property that would not need improvements to Gray Branch Road. Mr. Quint explained that was hard to answer and gave some examples.

Commission Member Gilmore felt that the applicant needed to work out some of these issues prior to requesting to rezone the property. Mr. Quint felt that would be asking the developer to spend a lot of money on engineering issues prior to knowing if the proposed use would be allowed on the property.

Commission Member Stevens asked what the Future Land Use Plan (FLUP) showed for this property. Mr. Quint stated that it showed a higher density use than what the applicant was requesting. He did not know why this property was shown for a higher density use on the Future Land Use Plan (FLUP) in 2004. Mr. Quint stated that the applicant was proposing 7,200 square-foot lots, which was larger than most lots currently being developed in McKinney. He stated that it met the density requirements outlined in the Comprehensive Plan.

Commission Member Stevens stated that this might be one of the most expensive subdivisions built in McKinney. He did not feel that they would be building tract homes on this property.

Chairman Franklin expressed concerns about the developer not speaking with the surrounding residences about what they propose to develop on the property. He stated that these neighbors had invested a lot of money into their homes. Chairman Franklin suggested tabling the request to allow them a chance to discuss it and work out some of the issues.

Vice-Chairman Hilton asked if the developer was open to tabling the request and speaking with the neighbors. Mr. Bush stated that he just became the Project Manager ten days ago. He explained that they were under contract and had deadlines to meet; therefore, he was worried about delaying it. Chairman Franklin stated that if the item was tabled to the next Planning and Zoning Commission meeting then it would still be on schedule for the same City Council meeting, due to the fact that the first City Council meeting in July was being cancelled due to the Independence Day holiday. He stated this would give him a chance to speak with the neighbors to inform them of their development plans for the property. Mr. Bush was willing to table this item to the next Planning and Zoning Commission meeting, since it would not affect when this item would go to City Council.

On a motion by Vice-Chairman Hilton, seconded by Commission Member McReynolds, the Commission voted unanimously to table the proposed rezone request to the June 23, 2015 Planning and Zoning Commission, with a vote of 5-0-0.

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

There being no further business, Chairman Franklin declared the meeting adjourned at 6:49 p.m.

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RICK FRANKLIN  
Chairman