

## **PLANNING AND ZONING COMMISSION**

**JUNE 24, 2014**

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 24, 2014 at 6:00 p.m.

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

Commission Members Absent: None

Staff Present: Director of Planning Michael Quint; Planning Manager Brandon Opiela; Planners Samantha Pickett and Steven Duong, and Administrative Assistant Terri Ramey

There were approximately 12 guests present.

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

Chairman 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. Chairman 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 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 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 Item.

The Commission unanimously approved the motion by Commission Member Gilmore, seconded by Commission Member Thompson, to approve the following Consent item with a vote of 7-0-0.

**14-626      Minutes of the Planning and Zoning Commission  
Regular Meeting of June 10, 2014**

**END OF CONSENT**

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

**14-137Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Emerald Cottages of Stonebridge, Ltd., on Behalf of Fourteenth Street, L.P., for Approval of a Request to Rezone Fewer than 8 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and Allow Senior Multi-Family Residential Uses, Located Approximately 900 Feet North of Eldorado Parkway and on the East Side of Alma Road**

Ms. Samantha Pickett, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends denial of the proposed rezoning request due to non-conformance with the Comprehensive Plan and the City's Multi-Family Policy.

Mr. Rob Baldwin, Baldwin Associates, 3904 Elm St., Dallas, TX, explained the proposed rezoning request.

Commission Member Stevens asked about the proposed parking for each unit. Mr. Baldwin stated that each unit would have a two-car garage and available parking located in front of each unit as well.

Chairman Franklin 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 voted unanimously to close the public hearing, with a vote of 7-0-0.

Commission Member Thompson asked for clarification on why Staff was recommending denial of the request. Ms. Pickett explained that Staff felt the proposed rezoning request would be eroding the non-residential tax base by rezoning the property from an office use to a residential use, was against the Multi-family Policy regulation of having no more than 10% multi-family uses in each sector, and did not feel that the proposed special ordinance provision would qualify as exceptional or innovative.

Vice-Chairman Bush asked why the proposed use for the property was considered multi-family. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that having three or more units on one lot was considered multi-family. He stated that the applicant was marketing the property as senior multi-family living.

Commission Member McReynolds, Vice-Chairman Bush, Commission Member Thompson, Commission Member Stevens, and Commission Member Thompson stated that they were in favor of the proposed rezoning of the property.

On a motion by Commission Member Thompson, seconded by Vice-Chairman Bush, the Commission voted unanimously to recommend approval of the proposed rezoning request as requested by the applicant, 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 July 15, 2014.

**14-076Z4     Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, Inc., on Behalf of Paul Lehner & Virginia R. Lehner, for Approval of a Request to Rezone Fewer than 102 Acres from "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Establish Development Regulations that Allow for the Development of Neighborhood Center, Multi-Family, Single Family Attached and Detached Residential Uses, and Civic Uses, Located on the Southeast Corner of Stacy Road and Alma Road**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed rezoning request. He stated that a letter of opposition was received just prior to this meeting and that copies had been distributed to the Commission Members. Mr. Duong stated that Staff recommends approval of the proposed rezoning request.

Mr. David Hicks, David Hicks Company, 2323 N. Houston St., Dallas, TX, explained the proposed rezoning request. He stated that a water storage tank was proposed on the eastern edge of the property and he felt that the proposed multi-family development would provide good screening and buffering and would be a compatible use next to the water tower.

Mr. Jed Dolson, JBGL Communities, 3131 Harvard Ave., Dallas, TX, explained the proposed rezoning request. He discussed some of the products planned for the development and showed a Power Point presentation. Mr. Dolson mentioned other communities where they had developed properties.

Mr. Hicks discussed some other similar developments that compare to this one. He stated that the last piece of the development built would be the commercial uses. Mr. Hicks had positive comments about JBGL Communities.

Chairman Franklin opened the public hearing and called for comments.

Mr. Larry Boyd; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX; Spoke in opposition to this rezoning request. He stated that he was representing Collin CR Wellness Communities, LLC and that they own the property immediately adjacent to the eastern boundary of this property. Mr. Boyd stated that they objected to the height and density of the proposed multi-family portion of the applicant's concept plan and the placement of single family uses immediately adjacent to their tract, which is and has been zoned for multi-family uses, thereby requiring a 150-foot setback for structures greater than two stories, and the applicant's apparent intent to abandon existing County Road 148 which provides access into their property. He felt it could impede the future development of their property. Mr. Boyd requested that the Commission recommend denial of the proposed rezoning request.

Chairman Franklin asked Staff to address Mr. Boyd's concerns. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that in the "REC" – Regional Employment Center District there was a maximum height of four stories on multi-family units. He stated that the "PD" – Planned Development District for this property did have a provision that required a 150-foot setback on adjacent single-family residential units next multi-family units that were two-story or taller. Mr. Opiela also stated that County Road 148 had been closed for some time and was not aware of any plans to reopen it. He stated that County Road 148 could become a fire lane or some other form of access point in the future.

Chairman Franklin asked the applicant if they had been in contact with the adjacent property owner regarding the proposed development prior to this meeting. Mr. Dolson stated that the notification signs had been posted on the property for some time and that there had been previous public hearings on this item, so he was surprised that right before this meeting was the first time he was aware that they were in opposition to the request. He stated that the short timeframe did not allow them enough time to address their concerns. Mr. Hicks stated that early in the year he had spoken about their proposed development of the property with a representative of the adjacent property owners to the east and he was not aware of any opposition.

Commission Member McReynolds asked for the setback on the east side of the property where the multi-family development was proposed. Ms. Shelley Griffin; Dowdey, Anderson & Associates, Inc.; 5225 Village Creek Dr.; Plano, TX; stated that the setback would be about 40 to 50-feet from the property line.

Chairman Franklin asked if the property line on the east side of the property went to the middle of County Road 148. Mr. Dolson said yes.

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

Vice-Chairman Bush stated that he would like to see the applicant and adjacent property owner to the east come to an agreement.

Chairman Franklin expressed concerns about the proposed multi-family on the property regarding the location, density, and being four-stories. He also expressed concerns about how the proposed rezoning would affect the adjacent property to the east.

Vice-Chairman Bush suggested tabling the proposed rezoning request to allow the applicant and property owner to the east to work out some of their issues. Mr. Dolson and Mr. Hicks were against tabling the request.

Commission Member Thompson asked Staff how the adjacent property to the east was zoned. Mr. Duong stated that it was zoned "PD" – Planned Development District for high-density residential and high-density entertainment on the property.

Mr. Hicks briefly discussed the green space planned between the proposed multi-family and single-family residential development on the property. He stated that they had already made changes to the proposed development per previous comments received from City Staff. Mr. Hicks stated that the adjacent property to the east does not currently have a development plan. He stated that their development plans were also based off of the zoning of the surrounding properties.

Commission Member Thompson asked Staff if the water tower was planned to be building on the property. Mr. Opiela stated that he believed that the City Council had given authorization to negotiate the purchase the property for that purpose.

Commission Member Stevens and Chairman Franklin expressed concerns with having four-story multi-family units facing Stacy Road.

Mr. Hicks stated that he was willing to limit the height of the multi-family units to three-stories for the outside units that would be facing Stacy Road and facing the single-family residential properties. He stated that the four center multi-family units would remain four-stories though.

On a motion by Commission Member Stevens, seconded by Commission Member Thompson, the Commission voted to recommend approval of the proposed rezoning request as requested by Staff and to also limit the height of the multi-family units to be no higher than three stories that face the following: Stacy Road, single-family residential units, and townhomes, with a vote of 6-0-1. Chairman Franklin voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 15, 2014.

**14-127ME2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by PBK Architects, on Behalf of Collin County Community College District, for Approval of a Meritorious Exception for a Conference Center and Health Science Center (Central Park Campus), Being Fewer than 53 Acres, Located on the Southeast Corner of Community Avenue and Taylor Burk Drive**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed meritorious exception. He stated that Staff recommends approval of the proposed meritorious exception.

Mr. Chris Leija, PBK Architects, 3313 Edgewater, Little Elm, TX, concurred with the Staff report.

Chairman Franklin felt the proposed building would fit in well with the others buildings on the property.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Bush, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and approve the meritorious exception as recommended by Staff, with a vote of 7-0-0.

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

**14-129Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd and Joplin, P.C., on Behalf of Frisco Independent School District and LCGRCRI, L.P., for Approval of a Request to Rezone Fewer than 55 Acres 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 for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with the Comprehensive Plan.

Commission Member Stevens asked if Ridge Road was planned to go through the southern end of the property. Ms. Pickett said no.

Vice-Chairman Franklin asked if any major thoroughfares were planned to go through the tract of land. Ms. Pickett said no. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that there had been some discussion that Ridge Road might transition into a modified collector street; however, nothing had been formally decided on it yet.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX; explained the proposed rezoning request and briefly discussed some of the development planned around the property.

Commission Member Stevens asked if the applicant would consider having commercial uses on the property along the Stacy Road frontage. Mr. Roeder questioned if there was a demand for commercial or office uses in this area at this time. He stated that he did not put a lot of stock in the City's 60% residential uses and 40% commercial uses tax base goal.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Commission Member McReynolds was in support of the proposed rezoning due to the proximity of the future high school being located next to this property.

On a motion by Vice-Chairman Bush, seconded by Commission Member McReynolds, the Commission voted to recommend approval of the proposed rezoning request as requested by the applicant, with a vote of 6-0-1. Chairman Franklin voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 15, 2014.

**14-134SP    Conduct a Public Hearing to Consider/Discuss/Act on the Request by Columbus Realty Partners, on Behalf McKinney Seven 31, L.P., for Approval of a Site Plan for a Multi-Family Development (Parkside at Craig Ranch, Phase II), Being Fewer than 6 Acres, Located on the Northeast Corner of Future Meyer Way and Henneman Way**

Ms. Samantha Pickett, 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.

Mr. David Meyers, P.E., Kimley-Horn and Associates, 12750 Merit Dr., Dallas, TX, concurred with the Staff report.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Hilton, the Commission unanimously voted to close the public hearing and approve the proposed site plan as conditioned in the staff report, with a vote of 7-0-0.

Chairman Franklin stated that the Planning and Zoning Commission was the final approval authority for the proposed site plan.

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

Mr. Michael Quint, Director of Planning for the City of McKinney, distributed a questionnaire to the Commission Members regarding any related training sessions that they attend since July 2013.

There being no further business, Chairman Franklin declared the meeting adjourned at 7:11 p.m.

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RICK FRANKLIN  
Chairman