

PLANNING AND ZONING COMMISSION

JULY 22, 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, July 22, 2014 at 6:00 p.m.

Commission Members Present: Chairman Rick Franklin, Vice-Chairman George Bush, Jim Gilmore, Matt Hilton, Michael Osuna, and Dick Stevens

Commission Member Absent: Larry Thompson

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Manager Brandon Opiela, Planner II Samantha Pickett, Planner Steven Duong, and Administrative Assistant Terri Ramey

There were approximately 32 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 Vice-Chairman Bush, to approve the following three Consent items with a vote of 6-0-0.

14-173CVP Consider/Discuss/Act on the Request by Kimley-Horn & Associates, Inc., on Behalf of McKinney Seven 31, LP and Craig Ranch II, L.P., for Approval of a Conveyance Plat for Lots 1R and 4, Block A, Being Fewer than 34 Acres, Located on the Southwest Corner of Van Tuyl Parkway and Alma Road

14-172PF Consider/Discuss/Act on the Request by Kimley-Horn & Associates, Inc., on Behalf of McKinney Seven 31, for Approval of a Preliminary-Final Plat for Lots 1R1 and 4R, Block A, of the Parkside at Craig Ranch Addition, Being Fewer than 34 Acres, Located on the Southwest Corner of Van Tuyl Parkway and Alma Road

END OF CONSENT

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

13-195Z3 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Skorborg Company, on Behalf of Willow Park Development, for Approval of a Request to Rezone Fewer than 13 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow Townhome Uses and Modify the Development Standards, Located Approximately 600 Feet South of Virginia Parkway and on the East Side of Hardin Boulevard

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request and expressed Staff's concerns. She distributed a revised Staff report, revised letter of intent, revised layout, and a new letter of opposition prior to the meeting. Ms. Pickett stated that Staff had not reviewed the revisions prior to the meeting. She stated that Staff recommends denial of the proposed rezoning request due to non-conformance with the City of McKinney's Comprehensive Plan and due to the proposed development standards' inability to mandate or achieve a high quality development.

Vice-Chairman Bush asked about the revisions made to the rezoning request. Ms. Pickett stated that the applicant was originally proposing a detached product on 40' wide lots. She stated that they now propose to build townhome products on 25' wide lots. Ms. Pickett stated that the proposed lots sizes were reduced and the number of lots had increased.

Mr. Adam Buczek, Skorborg Company, 8214 Westchester, Suite # 170, Dallas, TX, discussed the proposed rezoning request and the reasons for the revisions. He gave a presentation. Mr. Buczek stated that they had a meeting with the surrounding

property owners and felt that they received favorable responses. He stated that the neighbors expressed some of the same concerns as they had at the previous meeting. Mr. Buczek discussed ways they plan to address these concerns. He stated that revisions had been made to the plan since they received the floodplain study on Friday, July 18, 2014; therefore, the surrounding neighbors had not seen the current layout. Mr. Buczek was willing to table the request to allow time to meet with the surrounding neighbors to discuss the current plan for the property.

Commission Member Gilmore asked about the proposed parking spaces for the development. Mr. Buczek stated that they proposed to have two enclosed garage spaces and a 10' driveway per townhome. He showed some similar townhome examples as what was proposed to be developed on this property.

Vice-Chairman Bush asked for the widths of the proposed lots. Mr. Buczek stated that they are proposing 25'x90' lot sizes.

Vice-Chairman Bush expressed concerns about the proposed spacing between the 16' wide garage doors and front doors. Mr. Buczek stated that there would be no more than seven townhome units attached. He stated that the townhomes would be no more than 35' tall, two-story units.

Commission Member McReynolds expressed concerns about the 10' driveway not being large enough to accommodate many larger vehicles, like trucks. He stated that a lot of people use their garages for storage and park in the driveway. Mr. Buczek stated that besides the 10' driveway, there would be a sidewalk. He offered to work with Staff to increase the setback to address these concerns.

Mr. Buczek asked if Staff had shared their objections with the previous Skorgburg representative prior to this meeting. Ms. Pickett said yes and that there had been several conversations with Mr. Darrin Cain about the issues. Mr. Buczek stated that Mr. Cain had not shared Staff's objections with him. He requested that Staff share their list of concerns to the proposed rezoning request with him. Ms. Pickett stated that she would provide the information to him. Mr. Buczek requested that the item be tabled to allow him to work with Staff to address the issues.

Chairman Franklin opened the public hearing and called for comments.

Mr. Jeramy Smith, 316 Preston Creek, McKinney, TX, stated that the residents in his neighborhood are generally in favor of the development. He discussed some of their concerns regarding the open space between their properties and the proposed development and they wanted a nice development next to them. He stated that eleven neighbors had signed a letter in support of the development. Mr. Smith was not sure if the revisions would change their opinion or not since they had not seen the new plan.

On a motion by Vice-Chairman Bush, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and table the item indefinitely per the applicant's request, with a vote of 6-0-0.

14-151Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sage Group, Inc., on Behalf of 380 Holdings, L.L.C., for Approval of a Request to Rezone Less than 1 Acre from "AG" - Agricultural District to "SF5" - Single Family Residential District; Rezone Fewer than 56 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "SF5" - Single Family Residential District and "CC" - Corridor Commercial Overlay District; and to Rezone Fewer than 5 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located Approximately 1,100 Feet West of Custer Road and on the South Side of U.S. Highway 380 (University Drive)

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

Commission Member McReynolds asked what was located to the south of the proposed development. Ms. Pickett stated that there were residential properties to the south. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Aviator Park was also located to the south of this proposed development.

Commission Member Gilmore asked if the flight path from Aero Country Airport would cross over a portion of this property. Ms. Pickett said possibly.

Commission Member Stevens asked if there was an entry point into the proposed development from the south. Ms. Pickett believed that the applicant was still in discussion with the residents in the development to the south. Mr. Quint gave a brief history of Monticello Drive.

Mr. Curtis Young, Sage Group, Inc., 1130 N. Carroll Ave., Suite # 200, Southlake, TX, explained the proposed rezoning request. He briefly discussed the importance of having a secondary access point to the south of the property. Mr. Young felt the flight pattern from the Aero Country Airport would not be an issue.

Commission Member Gilmore asked how many airplanes take off from Aero Country Airport. Mr. Young did not have that information.

Commission Member Gilmore asked about the proposed buffer between this development and the Wal-Mart Supercenter to the east of this property. Mr. Young briefly discussed the proposed buffer and screening for those lots.

Commission Member McReynolds asked what size product they plan to build for this proposed development. Mr. Young stated that the houses could range from 2,200 sq. ft. to 3,800 sq. ft.

Commission Member Gilmore asked if a possible emergency gate on Monticello Drive between the two residential developments would be allowed by the City of McKinney. Mr. Quint said yes.

Chairman Franklin opened the public hearing and called for comments.

Mr. Chris Farmer, 9316 Leesburg Ct., McKinney, TX, stated that he was in opposition to the proposed design of the development. He stated that he would be living directly next door to the proposed property. Mr. Farmer stated that he preferred a residential development on the property. He suggested that the developer remove the six lots on the southern end of the property near the open space in order to extend Aviator Park into this area. Mr. Farmer had some access concerns regarding an easement for a large pipe that runs through his backyard. He felt there should be a larger buffer on the southern end of the proposed property in case there should be any maintenance needed on the large pipe that runs along the northern side of his development.

Mr. Ron Medellin, 2505 Lakeside Dr., McKinney, TX, spoke in opposition to the proposed design of the development. He stated that he had lived near Aero Country Airport for about 20 years. Mr. Medellin stated that there were approximately 15 to 25 aircrafts that fly out of this airport on average per day. He stated that the aircrafts usually do not have a straight departure from the airport and that they usually bank to

the east or west when departing. Mr. Medellin stated that the Aero Country Airport had approximately 250 aircrafts that were larger than the aircrafts at the McKinney National Airport. He stated that there were Aero Country Airport runways next to the southwest corner of the proposed development. Mr. Medellin felt there could be some safety issues being located near the airport. He requested to have a larger buffer in the area near the airport.

Mr. B.J. Boyle, 2656 New Castle Dr., Carrollton, TX, spoke in opposition to the proposed design of the development. He stated that he owned property in the Aero Country development and was an officer of the Aero Country Property Owners Association. Mr. Boyle stated that the airport's traffic pattern did cross the northern portion of the proposed property. He stated that some of the approaching aircraft enter the approach at a 45-degree angle at about 200' in the air and would be crossing this property. Mr. Boyle expressed concerns about safety and noise issues being located so close to the airport. He stated that the airport operated 24 hours per day, seven days per week. Mr. Boyle felt a commercial use would be more appropriate for the property. He stated that anything built within a certain distance of an airport had to meet certain height restrictions. Mr. Boyle stated that there needed to be an adequate buffer between the runway and residential properties.

On a motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Vice-Chairman Franklin stated that he liked the proposed site plan; however, he felt it was in an inappropriate location. He had concerns about reducing the commercial tax base with the proposed rezoning request.

Commission Member Gilmore did not feel the property was appropriate for residential development.

Commission Member McReynolds felt the proposed property was appropriate for residential uses. He stated that the residential properties within the Prestwyck subdivision were selling very well.

Commission Member Stevens suggested self-storage units along the southwest corner of the proposed property to address some of the safety concerns of being located near an airport. He felt the property needed more commercial uses.

Vice-Chairman Bush stated that he liked the proposed plan; however, he had issues with the development being located by an airport.

Commission Member Gilmore suggested Staff research into whether or not the airport would really be a concern for the development.

Vice-Chairman Franklin asked Mr. Young if he would be willing to table the item. Mr. Young discussed why he felt the proposed rezoning case was appropriate for the property. He stated that he was willing to table the request to allow more time to work with Staff to address some of the concerns.

On a motion by Vice-Chairman Bush, seconded by Commission Member McReynolds, the Commission voted unanimously to table the item indefinitely per the applicant's request, with a vote of 6-0-0.

14-170Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, P.C., on Behalf of VCIM Partners, L.P., for Approval of a Request to Rezone Fewer than 6 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center District to "PD" - Planned Development District and "REC" - Regional Employment Center District, Generally to Modify the Development Standards, Located on Approximately 355 Feet East of Custer Road and on the South Side of Collin McKinney Parkway

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 with the special ordinance provisions listed in the Staff report.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX, explained the proposed rezoning request and stated that he concurred with the Staff report.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and

recommend approval of the rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on August 19, 2014.

Chairman Franklin stepped down during the consideration of item # 14-148Z, due to a possible conflict of interest.

14-148Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Megatel Homes III, L.L.C., on Behalf of Betty M. Bacon Trust and McKinney Independent School District, for Approval of a Request to Rezone Fewer than 20 Acres from "AG" - Agricultural District to "RS 45" - Single Family Residence District, Located Approximately 1,400 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Bois D'Arc Road

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request and expressed Staff's concerns. She stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with the City of McKinney's Comprehensive Plan.

Mr. John Pippard, 307 Cactus Ct., Allen, TX, explained the proposed rezoning request and why he felt the proposed use was appropriate for the property.

Commission Member McReynolds asked for the square footage of the lots. Mr. Pippard believed that the applicant was proposing 50'x120' lot sizes for the development. Mr. Michael Quint, Director of Engineering for the City of McKinney, stated that the zoning would require a 4,500 sq. ft. minimum lot size.

Mr. Don Plunk, 14001 Dallas Pkwy., Dallas, TX, stated that he was representing Megatel Homes III, L.L.C. He explained the proposed rezoning request and why he felt the proposed use was appropriate for the property. Mr. Plunk discussed why a plat had not been presented along with the rezoning request. He stated that they had tried to purchase additional land along Highway 380 (University Drive) to provide a street plan and a connection for the property; however, they were unsuccessful in being able to purchase the required land. Mr. Plunk stated that the City of McKinney Future Land Use Plan (FLUP) showed that area to be designated for office uses. He stated that their consultants felt it would take approximately 22 years to develop that area for office uses. Mr. Plunk felt the proposed development would not be overloading the school

district or parks system. He felt it would be beneficial to have residential located next to a school versus an office or commercial use. Mr. Plunk stated that they are proposing 50'x120' lot sizes for the development. He stated that Megatel Homes was proposing to build the same type product as what is located in the Robinson Ridge development. Mr. Plunk stated that the price point would be in the \$300,000 range. He stated that they were proposing about 82-83 lots in the development. Mr. Plunk disagreed with the fiscal analysis that was included in the Staff report. He felt the proposed development would create better tax revenues for the City of McKinney versus vacant land or an office use on the property.

Commission Member Gilmore felt that Bois D'Arc Road was in bad condition and would not support the proposed development. Mr. Plunk stated that the bulk of the traffic was planned to come in from Hardin Boulevard and Crowe Lane. He felt that eventually they would have a secondary access point to the north for the property. Mr. Plunk did not expect a lot of traffic from this development to be using Bois D'Arc Road. He stated that they were proposing to build a single loaded street along the south side of the property that would have a landscape buffer along it to help buffer the school and the residential property facing it.

Commission Member Stevens asked Staff if the McKinney Independent School District (MISD) property, that was not currently taxed, was included in the calculation of the fiscal analysis. Mr. Michael Quint, Director of Planning for the City of McKinney, said no, and that the fiscal analysis was calculated using the zoning of the property. He stated that the owner of the property was not factored in the calculations.

Commission Member Gilmore asked if the property to the north of this proposed development was currently zoned for commercial uses. Mr. Quint stated that the property to the north was zoned "AG" – Agricultural District and the Future Land Use Plan (FLUP) showed the property to be designated for office uses in the future. Mr. Plunk concurred that area was currently zoned "AG" - Agricultural District. He stated that the FLUP showed about 600 acres in that area to be zoned for office uses in the future.

Commission Member Stevens felt the McKinney Independent School District (MISD) could use the money generated by the sale of the property.

Commission Member McReynolds asked about the proposed square footage for the product. Mr. Plunk stated that it could be around 2,400 to 3,600 sq. ft. He distributed photographs of similar products.

Commission Member McReynolds asked for the price point for the Inwood Hills development to the south of this property. Mr. Plunk stated that those houses range from \$280,000 - \$350,000.

Chairman Franklin opened the public hearing and called for comments.

The following two individuals spoke in opposition to the request. They expressed concerns regarding the density of the proposed development and the McKinney Independent School District (MISD) Maintenance Facility also proposed nearby. They felt that the condition of Bois D'Arc Road needed to be addressed. Mr. Furlong asked if there would be another meeting where the proposed development could be discussed. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that if the proposed rezoning request was approved by City Council, then a Preliminary-Final Plat would be voted on by the Planning and Zoning Commission as a consent item; therefore, the public would not be allowed to comment on it.

- Ms. Judy Furlong, 3108 Santa Fe St., Melissa, TX
- Mr. Steve Furlong, 3108 Santa Fe St., Melissa, TX

Mr. Thad Helsley, 1650 W. Virginia St., McKinney, TX, spoke on behalf of the McKinney Independent School District (MISD) and stated they were in support of the proposed rezoning request. He stated that McKinney Independent School District (MISD) owns the western portion of the proposed property. Mr. Helsley explained that it was surplus property that the school could not use. He stated that they plan to build a transportation maintenance facility on the property to the north. Mr. Helsley stated that Bois D'Arc Road was important to McKinney Independent School District (MISD) because of the future facility north of this property. He felt that Hardin Boulevard and Crowe Lane would be the main access point for the proposed development. Mr. Helsley stated that the McKinney Independent School District (MISD) had deed restrictions added to the property, which were incorporated in the proposed rezoning request.

Commission Member Gilmore asked when Bois D'Arc Road might be addressed. Mr. Helsley stated that the McKinney Independent School District (MISD) was not ready to develop the transportation maintenance facility to the north of this property at this time. He felt the road would need to be addressed once they were ready to build their facility. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Bois D'Arc Road was a collector road and that the developers would most likely be building the road in front of their development. He stated that the City might have to finish certain sections of the road.

On a motion by Commission Member Stevens, seconded by Commission Member Gilmore, the Commission voted to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 4-1-1. Commission Member Hilton voted against the motion. Chairman Franklin abstained.

Vice-Chairman Bush stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on August 19, 2014.

Chairman Franklin returned to the meeting.

14-157Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of George, Gupta, & Joshi, L.L.C., for Approval of a Request to Rezone Fewer than 3 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 740 Feet South of Eldorado Parkway and on the West Side of Hudson Crossing

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the Staff report.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX, explained the proposed rezoning request and stated that he concurred with the Staff report. He stated that they furnished a Traffic Impact Analysis to show that taking away the maximum number of children allowed at the school would not adversely affect the traffic in the area.

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 recommend approval of the rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on August 4, 2014.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

There being no further business, Chairman Franklin declared the meeting adjourned at 7:35 p.m.

RICK FRANKLIN
Chairman