

## **PLANNING AND ZONING COMMISSION**

**JANUARY 8, 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, January 8, 2013 at 6:30 p.m.

City Council Members Present: Mayor Pro Tem Travis Ussery

Commission Members Present: Chairman Robert S. Clark, Vice-Chairman Rick Franklin, George Bush, Jim Gilmore, Matt Hilton, and Larry Thompson

Commission Members Absent: David Kochalka

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

There were approximately forty guests present.

Chairman Clark called the meeting to order at 6:30 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 three 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 issues.

Vice-Chairman Franklin stepped down during the consideration of the Consent Items, due to a possible conflict of interest.

The Commission approved the motion by Commission Member Bush, seconded by Commission Member Thompson, to approve the following five Consent Items and noted that they were approving 12-217CVP per the revised staff report, with a vote of 5-0-1. Vice-Chairman Franklin abstained.

- 13-025 Minutes of the City Council and Planning and Zoning Commission Joint Meeting of November 5, 2012**
- 13-026 Minutes of the Planning and Zoning Commission Regular Meeting of December 11, 2012**
- 12-238CVP Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of VCIM Partners, L.P., for Approval of a Conveyance Plat for Lots 1 and 2, Block A, of the Vantrust Office Complex Addition, Being Less than 16 Acres, Located on the Southwest Corner of Henneman Way and Weiskoph Avenue**
- 12-241CVP Consider/Discuss/Act on the Request by RKS Construction, L.L.C., on Behalf of Watan, L.C., for Approval of a Conveyance Plat for Lots 1 and 2, Block A, of the Brookhaven Baptist Church Addition, Being Less than 12 Acres, Located on the Southeast Corner of Custer Road and Paradise Drive**
- 12-217CVP Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of McKinney Seven 31 L.P., for Approval of a Conveyance Plat for Lots 1-3, Block A, of the Parkside at Craig Ranch Addition, Being Less than 78 Acres, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and Alma Road**

**END OF CONSENT**

Vice-Chairman Franklin returned to the meeting.

Chairman Clark continued the meeting with the Regular Items on the agenda.

- 12-233SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn and Associates, Inc., on Behalf of Chapman Stonebridge L.L.C., for Approval of a Site Plan for the Assisted Living Community at Stonebridge (Parcel 813B), Being Less than 7 Acres, Located Approximately 800 Feet South of Eldorado Parkway and on the West Side of Stonebridge Drive**

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.

Vice-Chairman Franklin asked if there are any traffic lights planned for Stonebridge Drive near this development. Brandon Opiela, Planning Manager for the City of McKinney, was not aware of any traffic lights currently planned at those two locations at this time.

Vice-Chairman Franklin asked if there are plans for the drive along the southern property line to be built all the way to Eldorado Parkway. Mr. Opiela stated that this site

plan will extend the southern drive to the western section of this property line. He was not sure when the road might be connected to Eldorado Parkway. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the Planning and Zoning Commission had recently approved a concept plan that shown plans that would connect this drive to Eldorado Parkway through a network of fire lanes.

Vice-Chairman Franklin had some traffic concerns.

The applicant did not wish to make a comment.

Chairman Clark opened the public hearing and called for comments. There were none.

The Commission unanimously approved the motion by Commission Member Hilton, seconded by Commission Member Gilmore, to close the public hearing and approve the proposed site plan as conditioned in the staff report.

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

**12-227Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by George Town Custom Homes, on Behalf of VNRS INV, Inc., for Approval of a Request to Rezone Less than 2 Acres from "O" - Office District to "BN" - Neighborhood Business District, Located Approximately 500 Feet West of South Ballantrae Drive and on the South Side of Virginia Parkway**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She noted that the staff report had been revised. Ms. Gleinser stated that Staff recommends approval of the proposed rezoning request as stated in the staff report.

Commission Member Bush had concerns with the proposed rezoning of this property and what that might mean for the future use of the property. He stated that he was not in support of this request and questioned if this was spot zoning. Commission Member Bush suggested that the applicant consider rezoning the property to a "PD" – Planned Development District with an allowable daycare use instead. Mr. Michael Quint, Director of Planning, stated the proposed rezoning request would not be considered spot zoning and explained why. He stated that the applicant is requesting to rezone the property to "BN" - Neighborhood Business District to allow for a daycare on the property.

Mr. Nick George, George Town Custom Homes, 717 W. Glade Rd., Hurst, TX, explained the proposed rezoning request.

Commission Member Thompson asked about the size of the proposed development on the property. Mr. George stated that it would be around 7,000 sq. ft.

Chairman Clark asked to clarify what options the applicant had to allow the daycare use on the property. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that it could be rezoned to a straight zoning classification that allowed this use or to a "PD" – Planned Development District. He explained the steps if the applicant decided to request a "PD" – Planned Development District zoning for the property instead of the proposed rezoning request. Mr. Quint stated that the Commission Members would need to act upon this proposed rezoning request, either by recommending it for approval, recommending it for denial, or tabling the item.

Chairman Clark opened the public hearing and called for comments.

The following three citizens spoke regarding the proposed rezoning request. These citizens had concerns about the possible future allowed uses on the property if the property is rezoned to "BN" – Neighborhood Business District. They all stated that they liked having the school located there and were not opposed to having the daycare on the property. They all preferred that the property be rezoned to a "PD" – Planned Development District that allowed a daycare use.

- Mr. Tom Klein, 8001 S. Ballantrae Drive, McKinney, TX
- Mr. Jim Garner, 109 Royal Aberdeen Way, McKinney, TX
- Mr. Bill Hendley, 105 Royal Aberdeen Way, McKinney, TX

Chairman Clark asked Staff for a timeline on when a revised request could come back before the Commission if the proposed rezoning request was tabled at this meeting. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that it could come back before the Commission as early as the next scheduled Planning and Zoning Commission meeting.

Chairman Clark asked Mr. George how he felt about tabling the item at the meeting tonight and changing the application to request that the property be rezoned to "PD" – Planned Development District with an allowed daycare use. Mr. George stated

that the owner was concerned about rebuilding the school not necessarily what the zoning was on the property.

The Commission unanimously approved the motion by Commission Member Thompson, seconded by Vice-Chairman Franklin, to close the public hearing and table the proposed rezoning request indefinitely.

Vice-Chairman Franklin stepped down during the consideration of the Consent Items, due to a possible conflict of interest.

**12-229Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of McKinney Independent School District, for Approval of a Request to Rezone Less than 14 Acres from "AG" - Agricultural District to "PD" - Planned Development District, Generally to Modify the Development Standards for Single Family Residential Uses, Located Approximately 300 Feet East of Hardin Boulevard and on the South of White Avenue**

Mr. Brandon Opiela, Planning Manager 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.

The owner did not wish to make a comment.

Chairman Clark opened the public hearing and called for comments.

The following three citizens spoke regarding the proposed rezoning request. These citizens had concerns about traffic on Bois D'Arc Road, the number of proposed houses in the new development, and developing near a floodplain.

- Mr. Wendell McFarlin, 3615 Bois D'Arc Road, McKinney, TX
- Mr. Lloyd Hoelting, 3617 Bois D'Arc Road, McKinney, TX
- Ms. Kimberly Jackson, 2601 Creekview Court, McKinney, TX

Mr. Jon David Cross, Cross Engineering, 131 S. Tennessee Street, McKinney, TX, stated that he was the applicant on this case. Chairman Clark apologized for missing him earlier. Mr. Cross explained the proposed rezoning request and commented on some of the residents' concerns mentioned. He explained that the "RS-45" – Single Family Residence District zoning allows 8 units per acre; however, they had requested 3.7 units per acre. Mr. Cross stated that they have planned open spaces, walking trails, and for larger lot sizes than the minimum lot size required by zoning. He stated that Bois D'Arc Road is currently a 24' wide road. Mr. Cross stated

that they have worked with the City of McKinney and have agreed to improve Bois D'Arc Road to a 31' wide road along their property line to the bridge nearby. Mr. Cross discussed the trees along the property line which they intent to keep. He stated that they had taken the floodplain area into account when planning the development.

Commission Member Thompson asked if an access point on White Avenue had been considered to help with the Bois D'Arc Road traffic concerns. Mr. Opiela stated that Staff shared some of these same traffic concerns. He stated that there are number of variables that can determine where the drive location could be located. Mr. Opiela stated that Staff feels that the current configuration is the better choice. Commission Member Thompson questioned how many feet were between the proposed access point to White Avenue. Mr. Opiela thought it was about 120'.

Chairman Clark stated that a traffic light or stop signs might be a solution to the traffic concern. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Staff would continue to monitor the intersection.

Commission Member Gilmore asked how many lots are proposed in the development. Mr. Cross stated that the maximum is 48 lots.

Ms. Teresa Hargett, 3606 Creekview Court, McKinney, TX, had traffic concerns on Bois D'Arc Road. She asked how the age of residents in the development would be monitored to verify that they were following the age restrictions. Mr. Quint stated that the zoning and deed restrictions could set the age restrictions on the properties. He stated that there are checks and balances to verify that they are following the restrictions.

Ms. Carol McFarlin, 3615 Bois D'Arc Road, McKinney, TX, had traffic concerns on Bois D'Arc Road. She asked if there would be sidewalks. Mr. Opiela stated that there would be sidewalks built along Bois D'Arc Road as part of the improvements for the site; however, the sidewalk would stop at the end of the development.

On a motion by Commission Member Bush, seconded by Commission Member Gilmore, the Commission voted to close the public hearing with a vote of 5-0-1. Vice-Chairman Franklin abstained.

On a motion by Commission Member Bush, seconded by Commission Member Gilmore, the Commission voted to recommend approval of the rezoning request as recommended by Staff with a vote of 5-0-1. Vice-Chairman Franklin abstained.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 5, 2013.

Vice-Chairman Franklin returned to the meeting.

**12-236Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Early B. & Lena Milstead, for Approval of a Request to Rezone Less than 16 Acres from "ML" - Light Manufacturing District to "PD" - Planned Development District, Generally to Modify the Development Standards and Allow for a Homeless Shelter and Related Uses, Located Approximately 350 Feet North of Power House Drive and on the East Side of State Highway 5 (McDonald Street)**

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 with the special ordinance provisions listed in the staff report.

Mr. Randall Pogue, P.E., Pogue Engineering & Development Company, Inc., explained the proposed rezoning request and concurred with the staff report.

Commission Member Gilmore asked how many kids the daycare could handle. Mr. Pogue stated that the number had not been set yet. He explained that the daycare would take care of the children when the parents went for job interviews, had training, etcetera. Mr. Pogue stated that the daycare would for the Samaritan Inn and would not be open to the general public.

Vice-Chairman Franklin asked where the Retail Store would be located on the property. Mr. Pogue stated that the site plan has not been generated; however, the store would need frontage on McDonald.

Chairman Clark opened the public hearing and called for comments.

The following four citizens spoke in opposition regarding the proposed rezoning request. These citizens had concerns about the concentration of homeless in one area, security of surrounding properties, decrease in property values, safety of the individuals,

parking on the site not meeting the zoning requirements, and why no other cities in Collin County have a homeless shelter.

- Mr. Brian Belcher, 406 Interchange, McKinney, TX
- Mr. Sands Harris, 5328 Waneta, Dallas, TX
- Mr. Raymond Green, 411 Interchange, McKinney, TX
- Ms. Elaine Belcher, 406 Interchange, McKinney, TX

Mr. Pogue stated that the current population of the Samaritan Inn is around 160 (105 adults and 55 children). He stated that they propose up to 300 additional units. Mr. Pogue stated that the Samaritan Inn turned away 148 applicants last month and over 1,000 were turned away last year. He stated that even if the proposed 300 units were available that it would still not be enough to support the need. Chairman Clark stated that our community has chosen to do this and he could not say why other communities have chosen not to help.

The Commission unanimously approved the motion by Commission Member Thompson, seconded by Commission Member Hilton, to close the public hearing.

Commission Member Thompson asked what the Comprehensive Plan shows the property is zoned. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that it shows the area zoned for industrial. He stated that the proposed rezoning request would retain the "ML" – Light Manufacturing District zoning and would just be adding an additional land use.

Commission Member Thompson also had concerns about the safety of the individuals living near industrial uses and security of the surrounding properties.

Vice-Chairman Franklin stated that he thought the Samaritan Inn had considered building a shelter in Plano; however, they had a lot of opposition from the surrounding residents and it was not approved. He stated that the Samaritan Inn helps people from all walks of life that are down on their luck. Vice-Chairman Franklin stated that the Samaritan Inn has counselors, offers training, and helps them get back up on their feet. He felt they did a huge service for the community. Vice-Chairman Franklin stated that he was in favor of the request.



Commission Member Thompson agreed with Vice-Chairman Franklin that it is a benefit to the community; however, had concerns over the proposed location, security of the surrounding properties, and safety of the individuals being located in an industrial area.

Commission Member Hilton did not feel the individuals staying at the Samaritan Inn would be running around the area.

Mr. Pogue questioned if some of the people walking on Industrial Drive might be from the Job Corp or the nearby apartments. He stated there would be some form of fencing around the property. Mr. Pogue stated that they have already done a tree survey and plan to save the heritage trees on the property. He stated that there would potentially be two access points along State Highway 5 (McDonald Street). Mr. Pogue stated that many of the displaced families at the Samaritan Inn do not have vehicles, so there is not as much need for parking at the facility.

Vice-Chairman Franklin asked for the acreage of the existing facility. Mr. Pogue stated that it is less than five acres. Vice-Chairman Franklin stated that with the proposed development being around 15 acres, there would be plenty of room and things to do on the property for the residents. Mr. Pogue stated that they also plan to preserve a greenbelt for open space on the property. He reiterated that a site plan had not been completed yet.

On a motion by Commission Member Gilmore, seconded by Vice-Chairman Franklin, the Commission voted unanimously to recommend approval of the rezoning request as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 5, 2013.

**12-216Z     Conduct a Public Hearing to Consider/Discuss/Act on the Request by h/z studio P.L.L.C., on Behalf of Collin County Texas Property, for Approval of a Request to Rezone Less than 12 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southwest Corner of Waddill Street and U.S. Highway 380 (University Drive)**

Mr. Brandon Opiela, Planning Manager 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. Dan Zimmerman, h/z studio, PLLC, 404 S. 8<sup>th</sup> Street, Ste. 201, Boise, ID, concurred with the staff report.

Chairman Clark asked for clarification on the semi-trailer trucks access to the property. Mr. Zimmerman stated that they are planning to reconstruct Graves Street and Harroun Avenue to a heavy-duty pavement to support the semi-trailer trucks. He described the route the trucks would take.

Chairman Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Bush, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 5, 2013.

**12-068Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of Clark Partners, L.P., for Approval of a Request to Zone Less than 67 Acres to "PD" - Planned Development District, Generally for Single Family Residential and Commercial Uses, Located on the Southeast Corner of Bloomdale Road (C.R. 123) and Custer Road**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the proposed zoning request. He stated that Staff distributed a letter of support to the Commission prior to the meeting. Mr. Opiela stated that Staff recommends approval of the proposed zoning request with the special ordinance provisions listed in the staff report.

Commission Member Thompson asked to clarify that the property to the north, along Bloomdale Road, is proposed to be zoned "BG" – General Business District. Mr. Opiela said yes.

The applicant did not wish to make a comment.

Chairman 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 to close the public hearing and recommend approval of the zoning request as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 5, 2013.

Mr. Quint mentioned some training opportunities coming up that the Commission Members might consider attending and welcomed the new Planner Leo Bethge.

Chairman Clark declared the meeting adjourned at 8:07 p.m.

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ROBERT S. CLARK  
Chairman