

## **PLANNING AND ZONING COMMISSION**

**OCTOBER 23, 2012**

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, October 23, 2012 at 6:30 p.m.

Commissioner Members Present: Chairman Robert S. Clark, Rick Franklin, George Bush, Jim Gilmore, Matt Hilton, David Kochalka, and Larry Thompson

Commission Members Absent: None

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Managers Brandon Opiela and Ross Altobelli, Senior Park Planner Jenny Baker, Planner II Alex Glushko, Planner Samantha Gleinser, and Administrative Assistant Terri Ramey

There were approximately twenty-one 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.

Mr. Michael Quint, Director of Planning for the City of McKinney, continued the meeting with the election for a Chair and Vice-Chair.

### **12-943 Election of Chair and Vice-Chair.**

The Commission Members made nominations and voted, electing Robert Clark as Chairman and Rick Franklin as Vice-Chairman.

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

The Commission unanimously approved the motion by Commission Member Kochalka, seconded by Commission Member Gilmore, to approve the following three Consent Items:

- 12-944 Minutes of the Planning and Zoning Commission Regular Meeting of October 9, 2012.**
- 12-180PF Consider/Discuss/Act on the Request by Corwin Engineering, Inc., on Behalf of Custer West Partners, IV, L.P., for Approval of a Preliminary-Final Plat for 19 Single Family Residential Lots (Lots 1-19, Block A), 2 Commercial Lots (Lots 20-21, Block A), and 1 Common Area (Common Area A-1) of The Heights at Westridge, Planning Area 12, Parcel 1209 Addition, Approximately 11.88 Acres, Located on the Southwest Corner of Independence Parkway and Westridge Boulevard.**
- 12-181PF Consider/Discuss/Act on the Request by Winkelmann & Associates, Inc., on Behalf of Minerva Partners, Ltd., for Approval of a Preliminary-Final Plat for Lots 1-6, Block A, of the Water Tower Addition, Approximately 23.44 Acres, Located on the Southwest Corner of Virginia Parkway and Custer Road**

#### **END OF CONSENT**

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

- 12-183SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by RWR Wireless Corporation, on Behalf of the Corporation of the Episcopal Diocese of Dallas, for Approval of a Site Plan for the Episcopal Diocese of Dallas Addition (Bell Tower Expansion), Approximately 10.42 Acres, Located Approximately 950 Feet West of Ridge Road and on the North Side of McKinney Ranch Parkway (REQUEST TO BE TABLED)**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. Staff will re-notify for the next public hearing.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Bush, seconded by Commission Member Thompson, the Commission voted unanimously to close the public hearing and table the proposed site plan indefinitely as recommended by Staff.

- 12-186Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates, L.L.C., on Behalf of MountainPrize, Inc. for Approval of a Request to Rezone Approximately 1.11 Acres, from "BG" - General Business District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards,**

**Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 900 Feet West of U.S. Highway 75 (Central Expressway) (REQUEST TO BE TABLED)**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled until the November 13, 2012 Planning and Zoning Commission meeting per the applicant's request. Staff will not re-notice prior to the next public hearing.

Chairman Robert Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Vice-Chairman Franklin, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request until the November 13, 2012 Planning and Zoning Commission meeting.

**12-188Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dallas Design Build, on Behalf of V.F.B. Family, Ltd. Partnership, for Approval of a Request to Rezone Approximately 0.80 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located Approximately 1,100 Feet West of Bois D'Arc Road and on the South Side of U.S. Highway 380 (University Drive) (REQUEST TO BE TABLED)**

Mr. Alex Glushko, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely, due to a noticing error by Staff. Staff will re-notify for the November 13, 2012 Planning and Zoning Commission meeting.

Chairman Robert Clark opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Franklin, seconded by Commission Member Kochalka, the Commission voted unanimously to close the public hearing and table the proposed rezoning request indefinitely.

**12-182SP      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Winkelmann & Associates, Inc., on Behalf of Minerva Partners, Ltd., for Approval of a Site Plan for the Water Tower Place Addition (Sprouts Farmers Market), Approximately 23.44 Acres, Located on the Southwest Corner of Virginia Parkway and Custer Road**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the proposed site plan. He stated that Staff recommends approval of the proposed site plan as conditioned in the staff report.

Commission Member Thompson asked where the Home Depot was located in regards to this property. Commission Member Bush stated that it is located on the northeast corner of Custer Road and Virginia Parkway.

Commission Member Gilmore asked about the height of the proposed Sprouts building and the screening wall. Mr. Opiela stated that the building would be approximately 30' tall and a 6' screening wall was a standard height.

Mr. Mathew Malouf, 3811 Turtle Creek, Dallas, TX, stated that he had owned the property for about eight years and that he was looking forward to building the retail development.

Commission Member Kochalka asked about the building timeline for this development. Mr. Malouf stated that they might break ground in January 2013. He stated that he does not have an agreement yet for the second anchor, so it would be completed at a later time.

Chairman Robert Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Kochalka, seconded by Commission Member Hilton, to close the public hearing and approve the proposed site plan as conditioned in the staff report.

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

**12-093Z4     Conduct a Public Hearing to Consider/Discuss/Act on the Request by Douglas Properties, Inc., on Behalf of David Huang (Trustee) and Seminole Bloomifive L.P., for Approval of a Request to Rezone Approximately 112.89 Acres from "AG" - Agricultural District to "PD" - Planned Development District, Generally to Allow for Single Family Residential and Commercial Uses, Located on the Southwest Corner of F.M. 543 and State Highway 5 (McDonald Street)**

Mr. Alex Glushko, Planner II for the City of McKinney, explained the proposed rezoning request, gave a brief history of the request, and discussed the changes to this request from the last time it was presented. He stated that Staff recommends denial of

the proposed rezoning request due to a general lack of conformance with the Comprehensive Plan.

Mr. Jim Douglas, Douglas Properties, Inc., 2309 Ave K, Suite # 100, Plano, TX, stated that the request had significant changes from the request that was presented in May 2012. He stated that they had met with the surrounding property owners to discuss their plans for this development. Mr. Douglas felt that bringing F.M. 543 to State Highway 5 (McDonald St.) would be beneficial for the retail portion of their development and the surrounding developments. He felt that both of the Fiscal Impact Analysis documents provided in the staff report did not show the true fiscal impact that this development would have on the City of McKinney. Mr. Douglas felt the development would have a positive impact on the surrounding residential developments and the City of McKinney verses waiting until an industrial use might develop on the property sometime in the future. He stated that the homes proposed in this development would be in the \$225,000 – 350,000 price range. Mr. Douglas discussed the 12 acres of proposed open space and the planned amenities that would be available to all of the McKinney residents. He stated that they plan to protect some of the existing trees on the property. Mr. Douglas stated that the majority of the surrounding residential property owners are in support of this development. He stated that there was only one lot next to the property owner who submitted a letter of opposition. Mr. Douglas stated that they only share about 250' of common area and he did not feel the proposed development would negatively impact the adjacent property. He stated that they had made the exterior lots deeper and planned to install additional landscaping as a buffer to the surrounding property that may be developed as industrial at a later time. Mr. Douglas stated that there is residential development already established to the north and east of this property. He also stated that there is an elementary school to the north of this property. Mr. Douglas stated that the City of McKinney has already zoned or plans to zone about 5,400 acres for industrial uses. He did not feel that the approximately 113 acres of this development being rezoned to residential use would cripple the City of McKinney.

Chairman Clark expressed concerns about how this development would affect the surrounding property owners who wish to develop their properties for industrial uses

in the future. He asked Mr. Douglas how he would make sure that the residents of this proposed residential development would know that they were surrounded by property that could be developed for industrial uses in the future. Mr. Douglas stated that they would notify the homeowners in the packet of information that they would receive when they purchase their property, so they would not be surprised when the surrounding properties might be developed with industrial uses. He stated that they plan to have deeper lots and more landscaping to help buffer the residential development to these other uses. Mr. Douglas stated that the mandatory Homeowner's Association would maintain this section.

Commission Member Kochalka expressed his concerns about building this residential development and then at a later time the surrounding property owners trying to develop their property for industrial uses only to have the residential neighbors oppose the industrial development.

Mr. Douglas stated that the property to the west of this proposed development is owned by the City of McKinney. Mr. Michael Quint, Director of Planning for the City of McKinney, gave a brief history on what has been discussed regarding the development of the City of McKinney's property to the west of this proposed development.

Mr. Douglas stated that the property owners of this proposed development had tried to develop this land for the past 40 years with no success. He felt there was no guarantee that if they held out for an industrial use on the property that it would develop any time soon.

Vice-Chairman Franklin asked if the City of McKinney had looked into rezoning the property in this area for industrial uses as shown on the Future Land Use Map. Mr. Quint said no.

Commission Member Thompson had questions regarding the Fiscal Impact Analysis attachments in the staff report. Mr. Brandon Opiela, Planning Manager for the City of McKinney, discussed the Fiscal Impact Analysis results. He pointed out the additional Cost of Service for residential development. Vice-Chairman Franklin felt that the development timeline of the residential/retail verses industrial uses needed to be considered as well. Mr. Douglas stated that the average housing figure used in the Fiscal Impact Analysis was \$245,000; however, they plan to build homes ranging from

\$250,000 – 350,000. He felt the average home figure used in the analysis should have been \$300,000. Mr. Quint stated that the methodologies used were produced by an economist that drafted both of these Fiscal Impact Analysis templates.

Commission Member Bush expressed his concerns with the impact to the McKinney Independent School District (MISD) with this residential development. He felt that the ratio of commercial uses to residential uses was off. Commission Member Bush mentioned some of the ratios of surrounding cities as comparisons.

Commission Member Gilmore asked Staff if they felt the proposed residential development would impact future industrial development on the surrounding properties. Mr. Quint said yes.

Mr. Opiela stated that Staff has not seen a market study for retail development for this site.

Chairman Clark opened the public hearing and called for comments.

The following four people spoke in favor of the proposed rezoning request. These citizens felt this development would increase the quality of life and address some of the issues in their neighborhood, they felt the development would help increase local retail sales, add to the safety of the area, and be a nice addition to the east side of McKinney.

- Mr. Jamal Talukder, 600 W. McDermott Dr., Allen, TX
- Ms. Wanda Keaton, 405 Twin Knoll Dr., McKinney, TX
- Mr. Norman Rodriguez, 613 Cypress Hill Cr., McKinney, TX
- Ms. Shelly Traverzo, 3500 Trinity View Dr., McKinney, TX

Ms. Jennifer Cox, Carey Cox Company, 321 N. Central Expwy., McKinney, TX, stated that she was speaking on behalf of one of the property owners to the south of this property. Ms. Cox stated that they were in opposition to the rezoning request. She stated that they felt rezoning the proposed property would negatively impact their piece of property for future industrial development. Ms. Cox mentioned some of the reasons why residential uses and industrial uses are not compatible. She had concerns about additional screening and buffering requirements on their property if this property is rezoned to a residential use. Ms. Cox felt the land should be reserved for industrial

uses. She stated that if there is a concern that this area is not the correct location for industrial uses or if the City of McKinney has set aside too much industrial land, then Staff should reevaluate the Comprehensive Plan and Future Land Use Plan to fully realize the impacts of these decisions and how they affect the City of McKinney and McKinney Independent School District.

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

Chairman Clark asked Mr. Douglas if he had considered having a berm that might help separate the residential use to a possible future industrial use. Mr. Douglas stated that they are willing to do additional screening and gave various examples. Mr. Douglas stated that they are willing to move some streets up and even lose a few lots.

Mr. Douglas stated that this development would be done in phases and not all at once.

Chairman Clark felt that in the future when the surrounding property owners want to develop with industrial uses that the residents will not recall this meeting.

Chairman Clark stated that he did not want the surrounding property owners to be responsible for additional screening and buffering in the future due to the adjacency to a residential development. Mr. Opiela stated that with this rezoning request it would not be possible to eliminate the screen and buffering of the surrounding properties should they be rezoned for industrial uses in the future. He stated that the adjacent property owners would need a Planned Development District "PD" to make changes to their screening and buffering requirements.

Mr. Douglas stated that they would make their screening and buffering areas the responsibility of the Homeowner's Association to maintain and not the homeowners.

Commission Member Kochalka gave an example of a recent case where a self-storage use was proposed by a residential development. He mentioned that a lot of surrounding residential property owners showed up in opposition.

Commission Member Kochalka felt there was a large amount of variance that could happen with the properties surrounding this proposed development. He expressed his concerns about looking at this proposed development as a short term gain and not looking into the future.



Commission Member Kochalka mentioned that one of the surrounding property owners is already in opposition to this development and felt it would compromise the development of their property. Mr. Douglas expressed his concerns on how long it might take to develop the property with an industrial use.

Commission Member Hilton asked Staff how long this area had been planned for industrial uses. Mr. Quint stated that it was shown for industrial uses in the 1990 Comprehensive Plan and the 2004 Comprehensive Plan Update. He was unsure about what the Comprehensive Plan(s) prior to 1990 showed. Commission Member Hilton asked if this also included the Trinity Heights property. Mr. Quint said yes. Commission Member Hilton asked if the City made an exception for the Trinity Heights subdivision. Mr. Quint said yes. Commission Member Hilton asked if Staff knew of the reason for the exception. Mr. Quint said no.

Commission Member Hilton stated that he liked the revised rezoning request. He also felt it would help the Trinity Heights subdivision's land values and salability of their homes.

On a motion by Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted 4-3-0 to recommend approval of this rezoning request per the applicant's request. Commission Members Bush, Kochalka, and Gilmore voted against this motion.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 6, 2012.

**12-189M      Conduct a Public Hearing to Consider/Discuss/Act on  
the Request by the City of McKinney to Amend the  
Comprehensive Plan, Including the Parks, Recreation,  
and Open Space Section.**

Mr. Alex Glushko, Planner II for the City of McKinney, gave the staff report and explained the proposed amendments to the Comprehensive Plan, including the Parks, Recreation, and Open Space section. He stated that Staff recommends approval of the amendments to the Comprehensive Plan as conditioned in the staff report.

Commission Member Bush asked how many miles the trail from Towne Lake to Creekview Estates covered. Ms. Jenny Baker, Senior Parks Planner for the City of McKinney, stated that it is five and a half miles total. Commission Member Bush stated

that it was a beautiful path. Commission Member Kochalka was in favor of more sidewalk trails like this.

Chairman Clark asked Staff if there was anything controversial in the proposed amendments. Ms. Baker said no.

Chairman Clark 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 unanimously approved the motion to close the public hearing and recommend approval of the proposed amendment to the Comprehensive Plan, as conditioned in the staff report.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council at the December 4, 2012 meeting.

**END OF REGULAR ITEMS**

The Commission Members and Staff briefly discussed some upcoming meetings.

Chairman Clark adjourned the meeting at 7:40 p.m.

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ROBERT S. CLARK  
Chairman