

PLANNING AND ZONING COMMISSION

JANUARY 12, 2016

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 12, 2016 at 6:00 p.m.

City Council Members Present: Mayor Brian Loughmiller and Mayor Pro Tem Travis Ussery

Commission Members Present: Chairman Bill Cox, Vice-Chairman Eric Zepp, Janet Cobbel, Kevin Egan, Deanna Kuykendall, Pamela Smith, and Chairman

Brian Mantzey – Alternate

Commission Member Absent: Cameron McCall

Staff Present: Interim City Manager Tom Muehlenbeck, Director of Planning Brian Lockley, Planning Manager Matt Robinson, Planner II Samantha Pickett, Planners Eleana Galicia and Aaron Bloxham, and Administrative Assistant Terri Ramey

There were approximately 35 guests present.

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

Chairman Cox 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 Cox 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. Chairman Cox 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 to yellow, and when the time is up the light will change to red. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking the issues.

Chairman Cox continued the meeting with the Consent Items.

The Commission approved the motion by Commission Member Smith, seconded by Commission Member Cobbel, to approve the following two Consent items, with a vote of 6-0-1. Vice-Chairman Zepp abstained due to not being present at the December 8, 2015 Planning and Zoning Commission meeting.

**16-045 Minutes of the Planning and Zoning Commission
Regular Meeting of December 8, 2015**

**15-317PF Consider/Discuss/Act on a Preliminary-Final Plat for Lot
1, Block A, of the D&L Ag Mart Addition, Located at 1502
North Church Street**

END OF CONSENT

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

**12-075SP Conduct a Public Hearing to Consider/Discuss/Act on a
Site Plan for a Multi-Family Development (Mansions of
McKinney), Located on the Southwest Corner of
Silverado Trail and McKinney Ranch Parkway
(REQUEST TO BE TABLED)**

Ms. Eleana Galicia, Planner I 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. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that Staff would re-notice prior to an upcoming Planning and Zoning Commission meeting. Ms. Galicia offered to answer questions.

Commission Member Egan asked if a foundation had already been poured at this location. Ms. Galicia said yes, that the site was under construction. She stated that this request was in regards to a living screen to screen the air conditioner condenser units on the property. Ms. Galicia stated that the applicant was looking at making some changes to the screening. She stated that the request should come back before the Commission at a later time for consideration.

Chairman Cox called for a motion. On a motion by Vice-Chairman Zepp, seconded by Commission Member Kuykendall, the Commission voted unanimously to close the public hearing and table the proposed site plan request indefinitely as recommended by Staff, with a vote of 7-0-0.

**15-277MR2 Conduct a Public Hearing to Consider/Discuss/Act on a
Minor Replat for Lots 1R and 5, Block A, of the Custer
Wal-Mart Addition, Located on the Southwest Corner of
Custer Road and U.S. Highway 380 (University Drive)**

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed minor replat. He stated that Staff recommends approval of the proposed minor replat and offered to answer questions. There were none.

Mr. Arlyn Samuelson; Pogue Engineering & Development Company, Inc.; 1512 Bray Central Dr.; McKinney, TX; concurred with the Staff report and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member Egan, the Commission voted unanimously to close the public hearing and approve the minor replat as recommended by Staff, with a vote of 7-0-0.

15-343Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Northeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Carlos Cabré, Cabré & Associates, 2201 Long Prairie Rd., Flower Mound, TX, concurred with the Staff report and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Zepp, seconded by Commission Member Smith, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on January 19, 2016.

15-285SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan Request for a Car Wash (McKinney Car Wash), Located at the Southwest Corner of Eldorado Parkway and Hudson Crossing

Ms. Eleana Galicia, Planner I for the City of McKinney, stated that an e-mail from a citizen regarding this request had been distributed to the Commission prior to the meeting. She explained the proposed specific use permit and site plan request. Ms. Galicia stated that the applicant was also requesting a variance to allow the proposed

bay door for the drive thru car wash to be oriented towards public right-of-way (Eldorado Parkway). She stated that typically variances were requested during the site plan review process; however, since a site layout exhibit was required for the specific use permit request Staff had combined the site plan and specific use permit into one request. Ms. Galicia stated that approval of the specific use permit shall also constitute approval of the site plan for the proposed car wash. She stated that Staff recommended approval of the proposed specific use permit and site plan to allow for a car wash as conditioned in the Staff report. Ms. Galicia offered to answer questions. There were none.

Mr. Ed Arshouk, MA Engineering & Construction, 99 Regency Pkwy., Ste. 11, Mansfield, TX, offered to answer questions. There were none.

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

Commission Member Egan stated that he did not necessarily disagree with having a car wash at this location and the architectural renderings provided showed a really nice addition. He stated that to the east of this location there was a Sonic restaurant and to the west there was a Braum's restaurant. Commission Member Egan questioned whether a car wash at this location would be a compatible use with the nearby restaurants. Alternate Commission Member Mantzey stated that the nearby Sonic restaurant would have been noticed about this request and had not officially objected to having a car wash at this location. Commission Member Kuykendall stated that the Sonic was located across a four-lane street with a median in the center of the lanes.

On a motion by Commission Member Cobbel, seconded by Alternate Commission Member Mantzey, the Commission voted to recommend approval of the specific use permit and site plan request as recommended by Staff, with a vote of 6-1-0. Commission Member Egan voted against the motion.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 2, 2016.

14-260FR Conduct a Public Hearing to Consider/Discuss/Act on a Facade Plan Appeal for a Multi-Family Development (McKinney Point), Located on the South Side of McKinney Ranch Parkway and Approximately 550 Feet East of Future Collin McKinney Parkway

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed facade plan appeal. He stated that the elevations did not currently meet the 85% masonry per wall requirement. Mr. Bloxham stated that the applicant had indicated that the proposed elevations would provide a rich combination of quality materials, including a high percentage of masonry, and colors and architectural elements that create an interesting and well-designed facade. Mr. Bloxham stated that the applicant had indicated that this would not be possible if held to the current PD – Planned Development District regulations. He stated that Staff recommends approval of the proposed architectural elevations and offered to answer questions.

Vice-Chairman Zepp asked what the proposed percentage of masonry was per wall. Mr. Bloxham stated that the percentage varied per wall and gave some examples of the percentages proposed. He stated that the proposed masonry percentage was higher than the current standard. Commission Member Smith asked if the current standard was 50% masonry per wall. Mr. Bloxham said yes. Commission Member Smith wanted to clarify that the proposed percentages fell within the intent of the PD – Planned Development District and the current standard. Mr. Bloxham said yes.

Mr. Erik Earnshaw, BGO Architects, 4202 Beltway Dr., Addison, TX, explained the proposed facade plan. He briefly discussed the 85% masonry per wall requirement and how that included balconies and the roof gables. Mr. Earnshaw felt that they met the intent of the PD – Planned Development District. He stated that they submitted good architectural designs for the project. Mr. Earnshaw requested to approval of the proposed elevations and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Zepp, seconded by Commission Member Egan, the Commission unanimously voted to close the public hearing and approve the facade plan appeal as conditioned in the Staff report, with a vote of 7-0-0.

15-310Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "SF5" - Single Family Residence

**District, Located Approximately 1,500 Feet North of
Virginia Parkway and Approximately 1,260 Feet East of
Lake Forest Drive**

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Alternate Commission Member Mantzey asked if the density was similar to the surrounding subdivisions. Ms. Galicia stated that she was not sure which district the surrounding neighborhood was using. She stated that the recent Lake Forest rezoning request was rezoned to the same district that was proposed for this property.

Commission Member Cobbel asked about the access to this property. Ms. Galicia stated that the access would be defined during the platting process. She stated that Staff had raised some concerns to the applicant regarding the access to the property. Ms. Galicia stated that the Lake Forest development property owner stated that they would give one point of access to this development. She stated that the applicant still needed to find another point of access to have the required two points of access.

Commission Member Cobbel asked how the applicant currently accessed the property. Ms. Galicia stated that currently they did not have access.

Commission Member Egan asked if rezoning this property to commercial or another use besides residential was slim. Ms. Galicia said yes.

Chairman Cox asked how much of the property was developable due to part of the land being in the floodplain. Ms. Galicia stated that she could not say exactly how much of this track of land could be developed for single-family uses. She stated that the majority of this lot was in the floodplain, which could be an issue. Ms. Galicia explained that only 30% of quality trees were allowed to be removed within a floodplain area. She stated that staff had not seen the lot layout for the property.

Commission Member Egan asked about the cost/benefit comparison deficit of approximately \$93,000 shown on the fiscal analysis in the Staff report and how many lots was it assuming. Ms. Galicia stated that number was calculated by the acreage and not by proposed lots for the property.

Commission Member Smith asked if the applicant requested a variance to the tree preservation ordinance if it would come back before the Commission. Ms. Galicia said yes, along with a layout of where they were proposing the single-family lots.

Chairman Cox asked if the access to the property would also be coming back before the Commission. Ms. Galicia said yes.

Chairman Cox stated that the applicant had notified Staff that she was stuck in traffic on the way to the meeting. Ms. Galicia stated that the applicant had yet to arrive. The Commission agreed to allow the applicant to make a presentation on this request after the public hearing section for this item.

Chairman Cox opened the public hearing and called for comments.

The following residents spoke in opposition to this rezoning request.

Mr. Chris Grollnek, McKinney, TX, stated that some of the homeowners in their development paid an addition \$25,000 - \$45,000 premium for creek side access with no neighbors in the back as promised by the seller. He stated that their Homeowners Association (HOA) owned both sides of the creek. Mr. Grollnek expressed concerns about decreased property values, lack of privacy, and flooding issues if the proposed property was developed. He stated that the creek behind their property currently could not handle to water flow. Mr. Grollnek stated that the proposed property had been subject to three various lawsuits.

Mr. Ryan Miller, 809 Boyd Creek Rd., McKinney, TX, stated that he recently moved to Texas and was enjoying living in McKinney. He expressed concerns regarding flooding, point of access to the proposed property, increased traffic issues, safety for children, environmental impact, impact on the school district, and impact to the overall area.

Mr. Hetwarth Italia, 609 Boyd Creek Rd., McKinney, TX, stated that they moved here two years ago from Northwest Arkansas. He stated that he gave up a flat backyard option for a more private backyard that sloped to the creek. Mr. Italia stated that he liked seeing the wildlife by the creek. He stated that they might have to move if the lost the privacy of their backyard.

Mr. Mike Gillan, 705 Boyd Creek Rd., McKinney, TX, stated that his biggest concern with the potential of flooding due to the development of the proposed property.

He also expressed concerns regarding the overall and aesthetic impact from the proposed development. Mr. Gillan stated that he did not feel the proposed property should be developed.

Ms. Lisa Gillan, 705 Boyd Creek Rd., McKinney, TX, briefly discussed the current flooding concerns that the residents face along the creek. She stated that she could not understand how the trees and area would be preserved with the development of the proposed property. Ms. Gillan also expressed concerns about additional flooding issues to this area, decreased property values, and environmental impact to the area with developing the property. She stated that they paid premiums for the private creek side lots.

Ms. Jessica Beck, 605 Boyd Creek Rd., McKinney, TX, showed a photograph of on her cell phone to the Commission of the floodplain map.

Mr. Roger Banerjee, 941 Boyd Creek Rd., McKinney, TX, stated that he moved here from New Jersey about a year ago. He stated that he has seen two situations where the flood plain property had flooded after it rained. Mr. Banerjee expressed concerns if the property was developed that they might raise the land up and create more flooding issues for his property. He stated that they paid a steep premium for the creek side lot. Mr. Banerjee expressed concerns regarding the environmental impact to the area.

Mr. Kenneth Schmidt, 825 Boyd Creek Rd., McKinney, TX, expressed concerns that removing the trees on the proposed property might cause sound and lighting issues from various events and games held at McKinney Boyd High School. He stated that right now lights and sounds were currently buffered by the trees on the property.

Mr. John Coffey, 821 Boyd Creek Rd., McKinney, TX, briefly discussed the search for their house. He stated that they loved living there under the current conditions and did not want to see it change.

The following individuals turned in a speaker's card in opposition to the proposed rezoning request; however, did not wish to speak during the meeting:

- Ms. Linda Coffey, 821 Boyd Creek Rd., McKinney, TX
- Mr. John Brittigan, 801 Boyd Creek Rd., McKinney, TX
- Mr. Hassan Guesmia, 1009 Boyd Creek Rd., McKinney, TX

- Ms. Meghan Burleson, 945 Boyd Creek Rd., McKinney, TX
- Mr. Michael Burleson, 945 Boyd Creek Rd., McKinney, TX
- Mr. James McRae, 813 Boyd Creek Rd., McKinney, TX
- Mr. Jeff Giles, 1001 Boyd Creek Rd., McKinney, TX
- Mr. Russ Revell, 905 Boyd Creek Rd., McKinney, TX
- Mr. Bryan Criswell, 913 Boyd Creek Rd., McKinney, TX
- Mr. William Beck, 605 Boyd Creek Rd., McKinney, TX
- Mr. Fatima Guesmia, 1009 Boyd Creek Rd., McKinney, TX
- Ms. Lana Giles, 1001 Boyd Creek Rd., McKinney, TX
- Ms. Cindy Schmidt, 825 Boyd Creek Rd., McKinney, TX
- Ms. Judy Crovisier, 813 Boyd Creek Rd., McKinney, TX

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

Chairman Cox called for the applicant to make a presentation on the rezoning request.

Ms. Melissa Lundelow, Shupe Ventura Lindelow & Olson, PCCL, 500 Main St., Ft. Worth, TX, explained the proposed rezoning request. She stated that the adjacent property to the north and northwest of this location was recently rezoned to SF5 – Single Family residence District. Ms. Lundelow stated that the McKinney's Future Land Use Plan (FLUP) indicates that this property was appropriate for low density residential uses. She stated that it was beautiful piece of property. Ms. Lundelow stated that Staff made them aware of issues relating to tree preservation, drainage, and some other issues and how those had to be addressed at the time of platting the property. She stated that there were a lot of City ordinances that address these type issues. Ms. Lundelow stated that the current drainage issues would not improve if the property is not developed. She stated that the property was heavily covered in trees and that they would follow the Tree Preservation ordinance. Ms. Lundelow stated that part of the property was in the floodplain and that they would follow the Federal and Local regulations. She stated that there were a lot of environmental laws in place to protect

properties like this. Ms. Lundelow stated that they would like to develop and use the land as allowed.

Vice-Chairman Zepp stated that there was an access issue to the property with one tentative access being granted. He asked where the second access to the property might be located. Ms. Lundelow stated that the property owner had been communicating with surrounding property owners to try to find a solution. She stated that the issue would be addressed at the time of platting of the property.

Commission Member Smith asked Staff to discuss some of the issues that had been brought up during the Public Hearing portion of the meeting. Ms. Galicia stated that there was a Tree Preservation Zone along the majority of the property boundary sides. She explained that the applicant could not construct anything within 15' of any quality trees located within that property line. Ms. Galicia stated that with so many quality trees in this location that it would be difficult to gain access to surrounding neighborhoods. She stated that the applicant would need to provide a tree survey identifying the quality trees long the property lines. Ms. Galicia stated that they would need to seek access and permission from the surrounding property owners. She stated that a development on this property would need to detain on the lot to address drainage issues; therefore, they would need to provide a floodplain study and engineering plans to the City of McKinney prior to constructing residential houses on the property. Ms. Galicia stated that if the rezoning request was granted to the applicant that it might not be feasible to construct a single-family residential development on the property if they could not meet all of the City's requirements.

Vice-Chairman Zepp asked if the applicant would be requested to have a drainage easement since they do not own either side of the creek. Ms. Galicia stated that when the applicant does a floodplain study that they will have to establish an erosion and hazard setback, which is usually dedicated within a drainage easement.

Vice-Chairman Zepp asked if a drainage easement is granted and could not be forced. Ms. Galicia said typically that was correct.

Alternate Commission Member Mantzey asked if the property might have a water shed to detain water on the site. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that they would have to store their historical runoff onsite, so that they

do not increase the capacity on the existing system. He stated that the drainage of the site would have to be addressed during the platting process. Mr. Lockley stated that the rezoning of the property was just the first step towards developing the property.

Vice-Chairman Zepp stated that the applicant would not spend a lot of time and money on the various studies prior to gaining the proper zoning on the property.

Commission Member Egan agreed with Vice-Chairman Zepp. He also stated that the various issues surrounding property owners brought up during the Public Hearing should be addressed by the various City ordinances and regulations.

Vice-Chairman Zepp asked about a path shown on the Aerial Exhibit that was included in the Staff report. Ms. Galicia stated that the area appeared to be a sanitary sewer easement.

Commission Member Kuykendall stated that she appreciated seeing so many people from the community attend the meeting to voice their opinions. She stated that based on what she just heard from Staff all of those concerns would have to be addressed in the platting process and meet strict requirements.

Commission Member Smith asked what alternate uses could go on the property if this rezoning request and proposed development did not happen. Ms. Galicia stated that any development that comes in to this track would be required to have two points of access. She stated that the floodplain and drainage issues would still need to be addressed. Ms. Galicia stated that the City's Future Land Use Plan (FLUP) designates this property for future residential uses.

Commission Member Smith wanted to clarify that Staff did not know how many housing units could be built on the property. Ms. Galicia stated that was correct.

Chairman Cox asked if anybody was here from McKinney Independent School District (MISD) to discuss this rezoning request. A MISD representative was not present. Chairman Cox asked if they had submitted input on the rezoning request. Ms. Galicia stated that they were notified about the rezoning request; however, Staff had not received any director correspondence from the school district. Chairman Cox asked if the school district typically weighed in on similar requests. Ms. Galicia stated that they had the option to give their opinion; however, she was unsure if they typically did so.

Commission Member Smith stated that given the proposed zoning was in conformance with the City's Comprehensive Plan that would be a tool that the school district would be using to create their own plan for the number of schools that they need to build. Ms. Galicia stated that was something that the school district would take into consideration.

Commission Member Kuykendall stated that currently we do not know how many houses could be built on the property. Ms. Galicia agreed with her.

Commission Member Egan asked Staff about the surrounding residence being allowed to voice their opinion during the platting process if the met all of the City's requirements. Mr. Matt Robinson, Planning Manager for the City of McKinney, stated that if the plat met all of the City's requirements then the Commission would have to approve the plat. He stated that if they requested any variances or waivers to the City's requirements then those would need Planning & Zoning and/or City Council approval authority.

Commission Member Smith stated that her biggest concern with the development of the property would be the drainage issue on the property. She stated that the property had various issues that must be addressed prior to being developed.

Chairman Cox stated that the site has challenges. He stated that rezoning the property was just one piece of the puzzle. Chairman Cox stated that the odds of this development coming in without any variances were slim; however, it was possible. He stated that only the rezoning of the property was being considered tonight.

Vice-Chairman Zepp agreed that the property had some severe challenges. He stated that the surrounding property owners hold the cards to permitting a lot of the things needed to make this a viable site.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Cobbel, the Commission unanimously voted to recommend approval of the rezoning request as presented by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 2, 2016.

END OF THE REGULAR ITEMS AND PUBLIC HEARING ITEMS

Chairman Cox continued the meeting with the Discussion Items.

**16-046 December 2015 Recap of Planning & Zoning
Commission Regular Agenda Items that Went to City
Council**

Mr. Brian Lockley, Director of Planning for the City of McKinney, went over the December 2015 Recap of the Planning & Zoning Commission Regular Agenda items that went to City Council table that was included in the meeting packet.

Chairman Cox thanked him for the update.

END OF THE DISCUSSION ITEMS

Chairman Cox thanked the Planning Department Staff for their hard work.

Mr. Brian Lockley, Director of Planning for the City of McKinney, reminded the Commission that the Focus North Texas conference was taking place in Garland, TX on Friday, January 15, 2016. He stated that they were holding a training session for elected and appointment officials. Mr. Lockley asked the Commission to let him know if they wished to attend the event.

Mr. Lockley stated that the Chapel Hill applicant and surround property owners had been corresponding; however, he was unsure if they would have a resolution by the January 26, 2016 Planning & Zoning Commission meeting.

There being no further business, Chairman Cox declared the meeting adjourned at 7:15 p.m.

BILL COX
Chairman