

PLANNING AND ZONING COMMISSION

JANUARY 8, 2019

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, January 8, 2019 at 6:00 p.m.

City Council Present: Mayor George C. Fuller and Charlie Philips

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, Cam McCall, and Rick Franklin - Alternate

Commission Members Absent: Pamela Smith

Staff Present: Director of Planning Jennifer Arnold; Planning Manager Samantha Pickett; Planners David Soto, Derrick Rhys Wilson, Kaitlin Gibbon, and Mitchell Corona; and Administrative Assistant Terri Ramey

There were approximately 10 guests present.

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

The Commission unanimously approved the motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, to approve the following two Consent items.

19-0004 Minutes of the Planning and Zoning Commission Regular Meeting of December 11, 2018

18-0282PF Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1, Block A, of the McKinney Fire Station Number 10 Addition, Located on the North Side of County Road 228 and Approximately 700 Feet West of County Road 206

END OF CONSENT

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

18-0285PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Southern Hills at Craig Ranch Phase 3, Located Approximately 830 Feet North of State Highway 121 (Sam Rayburn Tollway) and on the South Side of Craig Ranch Parkway (REQUEST TO

BE TABLED). Ms. Samantha Pickett, AICP, Planning Manager for the City of McKinney, stated that Staff recommends that the public hearing be continued and the item tabled to the January 22, 2019 Planning and Zoning Commission meeting due to a noticing error. She offered to answer questions. There were none. The applicant was not present to give a presentation. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to continue the public hearing and table the item to the January 22, 2019 Planning and Zoning Commission meeting as recommend by Staff.

Alternate Commission Member Franklin stepped down from the following item due to a possible conflict of interest.

18-0151Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Commercial Uses and an Electrical Substation, Located at the Northwest Corner of U.S. Highway 75 (Central Expressway) and State Highway 121 (Sam Rayburn Tollway), Generally South of McKinney Ranch Parkway (REQUEST TO BE TABLED). Ms. Samantha Pickett, AICP, Planning Manager for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item tabled indefinitely to continue working through some of the conditions on the item. She offered to answer questions. There were none. The applicant was not present to give a presentation. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Doak, seconded by Commission Member Kuykendall, the Commission voted to close the public hearing and table

the proposed rezoning request indefinitely per Staff's recommendation, with a vote of 6-0-1. Alternate Commission Member Franklin abstained.

Alternate Commission Member Franklin returned to the meeting.

18-0087Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "LI" - Light Industrial District and "C3" - Regional Commercial District, Located on the Southeast Corner of Couch Drive and FM 546 (Harry McKillop Boulevard). Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone the subject property from "AG" – Agricultural District to "LI" – Light Industrial District and "C3" – Regional Commercial District, generally for industrial and commercial uses. Mr. Soto stated that the subject property is located off of FM 546 (Harry McKillop Boulevard) and Couch Drive. He stated that there have been similar rezoning requests in the area that were recently approved. Mr. Soto stated that within the past several years, there has been a desire to maintain and grow the City's industrial base within this sector near the airport. He stated that given the area's designation for industrial uses, as well as the newly construed FM 546 (Harry McKillop Boulevard) providing increased access to the area, the subject property is well positioned for industrial and commercial uses. Mr. Soto stated that the proposed rezoning request should complement the surrounding properties currently planned or zoned for similar industrial uses. He stated that the request is in conformance to the ONE McKinney 2040 Comprehensive Plan. Mr. Soto stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Chairman Cox asked if the subject property was in the greenbelt or Employment Mix area. Mr. Soto stated that it would be within the Professional Campus. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that was correct. Mr. Greg Nelson, 3730 FM

1960 West, Houston, TX, stated that he was the Managing Director of Sentinel Capital, LLC. He stated that they plan to place flex space on the back side of the "LI" – Light Industrial property. Mr. Nelson stated that they plan to have mixed uses on the front portion of the retail section, which would front FM 546 (Harry McKillop Boulevard). Chairman Cox stated that this area of McKinney is changing. He opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Alternate Commission Member Franklin, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 5, 2019.

18-0019SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Street Subdivision (Paradiso Valle), Located Approximately 140 Feet South of Gray Branch Road and on the East Side of Ridge Road. Mr. David Soto, Planner I for the City of McKinney, explained the proposed specific use permit request (SUP). He stated that the applicant is requesting approval of a SUP to allow for a private street subdivision, known as Paradiso Valle. Mr. Soto stated that the subject property is located off of Ridge Road and mid-block of Virginia Parkway and U.S. Highway 380 (University Drive). He stated that a private street subdivision is one in which the public improvements (streets and utilities) are privately maintained by the Homeowners' Association for the subdivision and are not accepted as public improvements by the City. Mr. Soto stated that the proposed private street development will develop in accordance with the exhibits included in the Staff Report and will include 46 single family residential lots and two common areas. He stated that the applicant has proposed two entrances into the development with a controlled access gate. Mr. Soto

stated that Gray Branch Creek surrounded the subject property to the north, south, and east and abuts Stonebridge Road to the west. He stated that there is also a 10' hike and bike trail on the west side. Mr. Soto stated that the applicant has met all of the requirements and is in conformance with the ordinance. He stated that Staff recommends approval of the SUP and offered to answer questions. Vice-Chairman Mantzey wanted to clarify that when a subdivision has a secured gate for the neighborhood to make the streets private then a SUP would be required. Mr. Soto said yes. Commission Member McCall asked if McKinney has other gated communities. Ms. Samantha Pickett, AICP, Planning Manager for the City of McKinney, stated that public City streets are not allowed to be gated, so any private street community would be gated. Staff and Alternate Commission Member Franklin gave examples of current communities with private streets in McKinney. Mr. Matthew Duenwald, 13455 Noel Road, Dallas, 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 Alternate Commission Member Franklin, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and approve the Specific Use Permit as recommended by Staff.

18-0283MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 6R and 11, Block A, of the North Texas Athletic Center Addition, Located on the Southeast Corner of Stars Avenue and Collin McKinney Parkway. Mr. David Soto, Planner I for the City of McKinney, explained the proposed minor replat. He stated that the applicant proposed to subdivide one lot into two lots, Lot 6R and Lot 11. Mr. Soto stated that the applicant has indicated that lots will be used for an assisted living facility and medical offices. He stated that the applicant has met all of the requirements of the Subdivision Ordinance. Mr. Soto stated that

Staff recommends approve of the proposed minor replat and offered to answer questions. There were none. Mr. Jonathan Hake, Cross Engineering, 131 S. Tennessee Street, McKinney, TX, stated that this is a follow-up replat of the Teresa's House project. He 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 Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing and approve the proposed minor replat as recommended by Staff.

- 19-0001M** Conduct a Public Hearing to Consider/Discuss/Act on the Semiannual Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Mr. Mitchell Corona, Planner I for the City of McKinney, explained the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees as required by Chapter 395 of the Texas Local Government Code. He stated that this is required by law to be filed every six months. Mr. Corona stated that the 2017-2018 mid-fiscal year report was presented at the Planning and Zoning Commission meeting on May 22, 2018 and accepted by City Council on June 19, 2018. He stated that the Planning and Zoning Commission also serves as the Capital Improvements Advisory Committee, which is required to file the report. Mr. Corona stated that the report includes the collection, transfer, and allocation of roadway and utility impact fees for capital improvement projects. He stated that the capital improvements plan used for the semiannual report was adopted on November 19, 2013 as part of the 2012-2013 Impact Fee Update. Mr. Corona stated that this was not the same as the City's overall capital improvements program. He stated that capital improvement projects that actively used impact fees during this fiscal year are identified in the Staff Report. Mr. Corona stated that there

are 13 roadway service areas within the McKinney city limits and the Extraterritorial Jurisdiction (ETJ) boundary. He discussed the Roadway Impact Fees Fund Activity and stated that there is approximately \$11.4 million available in the roadway impact fees fund. Mr. Corona stated that there had been a steady increase in roadway impact fees collected. He discussed the utility impact fees fund activity. Mr. Corona stated that there is approximately \$10.3 million available in the water and wastewater fees fund. He briefly discussed the active roadway impact fee projects and active utility impact fee projects. Mr. Corona stated that staff recommends the filing of the semiannual report with respect to the progress of the Capital Improvements Plan for roadway and utility impact fees. He offered to answer questions. Vice-Chairman Mantzey asked who sets the boundaries for the roadway service areas. He asked if they could be changed in the future. Ms. Jennifer Arnold, AICP, Director of Planning for the City of McKinney, stated that the roadway service areas are semi-defined by State Law. She stated that they require that the impact fee boundaries do not exceed a six mile radius. Ms. Arnold stated that the City of McKinney previously had approximately 27 roadway service areas. She stated that the service areas were realigned in 2003, so now we have 13 roadway service areas. Ms. Arnold stated that the likelihood of them being changed is slim, since the City uses definite boundaries to define the service area and administration of the program becomes very difficult when the service areas are changed. She explained that the current 13 service areas include the Extraterritorial Jurisdiction (ETJ) boundary. Chairman Cox asked if the utility service area was divided up into smaller service areas similar to the roadway service areas. Mr. Corona stated that the utility service area is not broken down into smaller areas and includes the Extraterritorial Jurisdiction (ETJ) boundary. Chairman Cox asked why it was not broken down to show where the most water and wastewater funds were spent.

Ms. Arnold stated that roadway impact fees are charged for new development based upon the generation of traffic for the new development. She stated that the impact of the traffic generated by the new development is typically impacted for a six mile radius. Ms. Arnold stated that utilities generally do not have the same limit to where it goes. She stated that roadway impact fees are only allowed by law to be collected within the city limits; however, utility impact fees can be collected in the Extraterritorial Jurisdiction (ETJ) boundary. Commission Member Doak asked if the roadway impact fees collected must be used within the same service area and could not be used in another service area. Ms. Arnold stated that was correct. Commission Member Doak wanted to clarify that there could be no reallocations. Ms. Arnold stated that roadway impact fee funds must be spent within the same service area that they were collected. She stated that over time as a service area starts to buildout the roadway impact fees collected will start to go down and the impact fee amount charged will reduce. Ms. Arnold stated that roadway impact fees could only be used in creating new capacity and not reconstruction of a roadway. Alternate Commission Member Franklin asked what happens to remaining funds when a service area is built out. Ms. Arnold stated that a certain percentage can be used for globally for administrative expenses. She gave an example of the Impact Fee Update that typically costs between \$100,000 and \$250,000 to complete. Ms. Arnold stated that there is also a provision for issuing impact fee refunds to property owners who paid impact fees to a certain service area; however, there is a lot of criteria that must be met first to receive a refund. She stated that it is very slim that there are leftover roadway impact fees. Ms. Arnold stated that there is a maximum accessible fee; however, the City typically never charges that actual amount. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey,

seconded by Alternate Commission Member Franklin, the Commission unanimously voted to close the public hearing and recommend filing of the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Ms. Samantha Pickett, Planning Manager for the City of McKinney, briefly discussed the City Council Recap that was handed out to the Commission Members prior to the meeting regarding items that came before the Commission from September – November 2018 and then went on to City Council meetings.

Chairman Cox thanked Staff for their hard work.

There being no further business, Chairman Cox declared the meeting adjourned at 6:35 p.m.

BILL COX
Chairman