

PLANNING AND ZONING COMMISSION

MAY 28, 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, May 28, 2013 at 6:00 p.m.

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

Commission Members Absent: David Kochalka

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Managers Brandon Opiela and Jennifer Arnold, Planner II Arrie Mitchell, Planners Samantha Gleinser and Anthony Satarino, and Administrative Assistant Terri Ramey

There were approximately twenty-five guests present.

Chairman Clark called the meeting to order at 6:00 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 five 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 the issues.

The Commission unanimously approved the motion by Commission Member Hilton, seconded by Commission Member Thompson, to approve the following Consent Item with a vote of 6-0-0:

**13-531 Minutes of the Planning and Zoning Commission
Regular Meeting of May 14, 2013**

END OF CONSENT

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

13-063PR2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Shaddock Developers, Ltd., on Behalf of MVC Investments, Ltd., for Approval of a Preliminary-Final Replat for 48 Single Family Residential Lots and 6 Common Areas (Enclave at Hidden Creek), Being Fewer than 4 Acres, Located Approximately 1,600 Feet North of Eldorado Parkway and on the East Side of Orchid Drive

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the preliminary-final replat request. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the staff report.

Chairman Clark asked Staff if the property to the south of King's Hollow Lane was in the floodplain. Ms. Gleinser said yes. Chairman Clark asked Staff if lots might be developed on this floodplain at a later time. Ms. Gleinser said no.

Mr. Will Shaddock, Shaddock Developers, Ltd., 2400 Dallas Parkway, Suite # 510, Plano, TX, briefly explained the preliminary-final replat request.

Chairperson Clark opened the public hearing and called for comments.

Ms. Lisa Dillon, 3305 Gillespie Road, McKinney, TX, expressed her concerns about this development decreasing the surrounding property values, losing the view of the creek and trees from her property, possible loss of trees, and the wildlife losing their habitat.

Mr. George Keeter, 2421 Brenham Drive, McKinney, TX, expressed his concerns about this development's proximity to his property and how the development could affect his property.

Mr. Shaddock stated that any 6" or larger size trees would be preserved on the property. He briefly discussed the tree preservation plans for the development. Mr. Shaddock stated that they want to properly screen the properties on the back lots for privacy. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that Staff could only require that the 6" or larger quality trees be saved on the property per the ordinance.

Mr. Shaddock stated that the development would be a high end product built by Drees Homes. He stated that the homes would be sold at around the high \$300,000

range. Mr. Shaddock did not feel this development would adversely affect the surround neighborhood.

The Commission voted unanimously on a motion by Commission Member Bush, seconded by Vice-Chairman Franklin, to close the public, with a vote of 6-0-0.

The Commission voted unanimously on a motion by Commission Member Thompson, seconded by Commission Member Bush, to approve the proposed preliminary-final replat as conditioned in the staff report, with a vote of 6-0-0.

Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final replat.

13-085Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn And Associates, Inc., on Behalf of Creststone Investors, L.L.C., for Approval of a Request to Rezone Fewer than 15 Acres from "MH" - Heavy Manufacturing District and "ML" - Light Manufacturing District to "PD" - Planned Development District, Generally to Modify the Uses and Development Standards, Located Approximately 1,700 Square Feet North of Plateau Drive and on the East Side of McDonald Street (State Highway 5)

Mr. Anthony Satarino, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request.

Mr. Terry Lowrey, Creststone Investors, LLC, 11518 Reeder Road, Dallas, TX, concurred with the staff report.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and to recommend approval of the rezoning request as recommended by staff, with a vote of 6-0-0.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 18, 2013.

12-199Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by 4th Avenue Investments, on Behalf by Coleman Inma Leigh and Honey Creek Partners, L.P., for Approval of a Request to Rezone Fewer than 5 Acres from "AG" - Agricultural District to "PD" - Planned Development District and Zone Fewer than 2 Acres to "PD" - Planned Development District, Generally to Allow for Single Family Residential Uses and to Modify the

**Development Standards, Located on the Northeast
Corner of Country Club Road and Nature Place**

Mr. Anthony Satarino, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request.

Mr. Shane Jordan, Jordan Realty Advisors, 4951 Airport Parkway, Suite # 800, Addison, TX, concurred with the staff report.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Franklin, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing and to recommend approval of the rezoning request as recommended by staff, with a vote of 6-0-0.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 18, 2013.

12-234Z4 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Verizon Wireless, on Behalf of Roanoke Manor, L.L.C., for Approval of a Request to Rezone Fewer than 4 Acres from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District, to Allow for a Support Tower for Cellular Communication Antennas, Located Approximately 1,500 Feet East of Lake Forest Drive and Approximately 230 Feet South of Future Collin McKinney Parkway

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She discussed the revised site layout. Ms. Gleinser stated that Staff felt that this revision was an improvement over the previous request. She stated that Staff recommends denial of the proposed rezoning request as the proposed support tower with communication antennas does not meet the required setbacks, exceeds the maximum height allowed for a support tower, and exceeds the maximum allowed height for a screening wall as specified in the City of McKinney's Zoning Ordinance.

Commission Member Bush asked Staff to show where the tower was previously proposed on the property. Ms. Gleinser pointed it out on the aerial shown on the

overhead projector and explained that it was initially proposed to be 70-75' from Collin McKinney Parkway and further from the Brazos Substation.

Commission Member Bush asked Staff how far the current proposed tower location had moved. Ms. Gleinser stated that it moved back approximately 160'. Vice-Chairman Franklin asked if that was as far back as they could have moved it on the property. Ms. Gleinser said yes.

Commission Member Gilmore asked about the required setbacks for the tower. Ms. Gleinser stated that the support tower should be located at least three times the height of the structure, 390' in this case, from any property line.

Commission Member Thompson asked if the proposed tower fell over if it would cross the property line. Ms. Gleinser stated that if the 130' tower fell at this proposed location that it could cross the property line near the substation.

Commission Member Thompson asked if anything was proposed on the east side of the property. Vice-Chairman Franklin stated that the property to the east of this site was in the floodplain.

Chairman Clark asked about the surround properties. Ms. Gleinser stated that some of the property is zoned "PD" – Planned Development District and could be built upon at a later time.

Commission Member Hilton asked if there are buildings near the tower on Eldorado Parkway. Ms. Gleinser said yes.

Mr. Peter Kavanagh, Verizon Wireless, 1620 Handley, Ste. A, Dallas, TX, explained the proposed rezoning request. He felt that retail development could be proposed on the front side of the property near State Highway 121. Mr. Kavanagh stated that the ideal location would be to locate the communication antennas in the substation; however, they do not allow them on their property. He stated that they would be adjacent to the substation property and felt most people would think that they were located on the substation's property. Mr. Kavanagh stated that the towers rarely go down during a storm. He felt that the setback requirement of three times the height of a tower wastes a lot of property. Mr. Kavanagh felt that towers should be located on the corners of properties and not in the middle of a property.

Chairman Clark asked Mr. Kavanagh what it would take for a tower to be built on this property and conform to the City's regulations. Mr. Kavanagh stated that the tower would need to be moved back to the previous location towards the center of the property and the tower would need to be shorter.

Chairman Clark asked Mr. Kavanagh how a shorter tower would affect their service. Mr. Kavanagh stated that the service would not be as good. He stated that they need to be able to get service into buildings, so people can use their phones inside. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the ordinance does require that new towers allow for three additional carrier location opportunities. He stated that a shorter tower would not allow for the required three additional carriers. Mr. Quint explained that the various carrier locations are at different elevations on the tower.

Commission Member Bush stated that he liked the proposed location over the previous location. He asked Mr. Kavanagh if there is a reason that the substation does not allow poles on their property. Mr. Kavanagh felt that it was a security issue.

Vice-Chairman Franklin asked Mr. Kavanagh how close the tower would be to the substation. Mr. Kavanagh stated that they were more than 130' from the wall of the substation.

Commission Member Thompson asked how many towers had fallen over recently. Mr. Kavanagh did not know of any towers falling recently.

Commission Member Bush asked Mr. Kavanagh if they could use some existing monopoles near State Highway 121 to place their antennas. He felt it might save money to lease those spaces instead of purchasing property. Mr. Kavanagh stated that Verizon Wireless only leases spaces for their antennas. He stated that they had utilized some monopoles along U.S. Highway 75.

Commission Member Hilton asked how many monopoles are located in McKinney other than the one located on Eldorado Parkway. Ms. Gleinser was not sure. Commission Member Thompson stated that there was one located in the Toyota dealership's parking lot. Mr. Brandon Opiela, Planning Manager for the City of McKinney, thought that there were at least six to seven monopoles in McKinney. Mr.

Michael Quint, Director of Planning for the City of McKinney, stated that he felt there may be more than that number in McKinney.

Commission Member Gilmore asked about the tower at the Stonebridge Methodist Church. Mr. Opiela stated that it was different since they have a monument structure around their tower. He stated that the proposed tower would be similar to the tower on Eldorado Parkway and Orchid Drive.

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

Chairman Clark asked Mr. Quint to explain why Staff is recommending denial of this request. Mr. Quint stated that this request does not meet the City's ordinance requirements. He also felt that once the City starts making exceptions to the ordinance for these towers, then we would keep getting more towers that did not meet the ordinance requirements. Mr. Quint gave an example of having multiple antennas together that are more noticeable.

The Commission voted on a motion by Commission Member Bush, seconded by Commission Member Hilton, to recommend denial of the proposed rezoning request as recommended by staff, with a vote of 5-1-0. Commission Member Thompson voted against the motion.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 18, 2013.

13-100M 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. Arrie Mitchell, Planner II 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 Staff recommends filing of the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees.

Commission Member Gilmore asked what Roadway Impact Fees are used to pay for. Mr. Mitchell stated that Roadway and Utility Impact Fees are used to make improvements to roadway and utility infrastructure to meet the new development needs

of the City. Ms. Jennifer Arnold, Planning Manager for the City of McKinney, stated that the Roadway Impact Fees are only eligible for roadways on the Master Thoroughfare Plan which is part of the Comprehensive Plan.

Chairperson Clark opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Commission Member Bush, seconded by Vice-Chairman Franklin 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, with a vote of 6-0-0.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting of June 18, 2013.

Chairman Clark declared the meeting adjourned at 6:40 p.m.

ROBERT S. CLARK
Chairman