

## **PLANNING AND ZONING COMMISSION**

**AUGUST 27, 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, August 27, 2013 at 6:00 p.m.

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

Commission Member Absent: Jim Gilmore

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

There were eight 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 Vice-Chairman Franklin, seconded by Commission Member Hilton, to approve the following three Consent Items with a vote of 6-0-0.

- 13-151PF** Consider/Discuss/Act on the Request by 4th Avenue Investments, on Behalf of Honey Creek Partners, L.P., Irma Leigh Goleman, Jon Bayless and Rebecca L. Roberts Bayless, for Approval of a Preliminary-Final Plat for 12 Single-Family Residential Lots and 6 Common Areas (Nature Place Addition), Being Fewer than 6 Acres, Located on the Northeast Corner of Country Club Road (F.M. 1378) and Nature Place
- 13-155CVP** Consider/Discuss/Act on the Request by A.J. Bedford Group, on Behalf of McKinney Seven 50, L.P., for Approval of a Conveyance Plat for Lots 1-5, Block A of the Tour Drive South Addition, Being Fewer than 37 Acres, Located at the Southeast Corner of Tour Drive and Custer Road

**END OF CONSENT**

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

- 13-122Z2** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Baldwin Associates and Emerald Cottages Group, L.L.C., on Behalf of Fourteenth Street, L.P., for Approval of a Request to Rezone Fewer than 6 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 900 Feet North of Eldorado Parkway and on the East Side of Alma Road
- 13-122Z2** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Baldwin Associates and Emerald Cottages Group, L.L.C., on Behalf of Fourteenth Street, L.P., for Approval of a Request to Rezone Fewer than 6 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 900 Feet North of Eldorado Parkway and on the East Side of Alma Road

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends denial of the proposed rezoning request due to non-conformance with the Comprehensive Plan, the City's Multi-Family Policy, Section 146-139 (Architectural Standards), and Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance.

Mr. Rob Baldwin, Baldwin Associations, 3904 Elm Street # B, Dallas, TX, explained the proposed rezoning request. He stated that they plan to develop 34 single-story, fourplexes for seniors over 55 years of age and a common room for the residents. Mr. Baldwin felt it was a nice transition between the surrounding office uses and residential properties. He stated that the proposed use did not fit into any current

zoning classification in the Zoning Ordinance. Mr. Baldwin explained that they are requesting that the site plan and landscape plan be tied down to the zoning on the property. He felt the proposed fourplexes would be a good transition for seniors that are ready to get out of their currently residential homes and not quite ready to move into long term care facilities.

Commission Member Thompson asked about the square footage for the proposed structures. Mr. Baldwin stated that each one would be about 1,350 sq. ft. He stated that each unit would have their own garage.

Commission Member Thompson asked if this would be owner occupied units or rental units. Mr. Baldwin stated that they would be rental units.

Vice-Chairman Franklin asked if the proposed property is adjacent to a nursing home. Mr. Baldwin said yes.

Commission Member Bush asked why the applicant did not wish to build a masonry wall on the north and east sides of the property. Mr. Baldwin explained that the residential neighborhoods to the north and east of this property already have fences along the property line. He stated that Stonebridge Ranch requires a 10' separation between fences and that area would be hard to maintain. Mr. Baldwin stated that they had increase the landscaping in those areas in-lieu of building additional fencing. He stated that the neighbors that they had spoken with preferred this option.

Chairman Clark asked Mr. Baldwin if he had spoken with all of the surrounding residents regarding the fencing. Mr. Baldwin stated that he had sent letters to the residents within 300' of the subject property explaining their plans for the property. He stated that he had also spoken with some of the neighbors on the phone. Mr. Baldwin stated that Mr. Mark Matise, Emerald Cottages Group, LLC, had met with the surrounding homeowners associations (HOAs). Mr. Baldwin stated that they received a letter of support from the Stonebridge Ranch HOA.

Vice-Chairman Franklin asked if it would be an age restricted rental property. Mr. Baldwin stated yes and that the deed restrictions would address the age requirements.

Commission Member Kochalka had concerns that the property could become a rental property without age restrictions under the proposed rezoning for the property. Mr. Quint stated that the proposed "PD" – Planned Development District provisions do

not have any age restrictions. Mr. Baldwin stated that they planned to address the age requirements in the deed restrictions for the property; however, he was fine with adding an age restriction as a provision of the proposed rezoning request

Commission Member Kochalka asked the applicant about the level of quality and if they had any exceptional designs proposed for the property. Mr. Baldwin stated that they build high quality products. He stated that they would work with Staff during the design stage, after the rezoning of the property, to make sure that the development met the City's requirements.

Commission Member Kochalka stated that he would have liked to have seen the elevations tied down to the zoning as well as increased landscaping on the project, since they were asking to change the zoning and removing some of the screening requirements on the property. Mr. Baldwin felt the proposed landscaping was more than sufficient.

Commission Member Hilton asked what the proposed rent would be on the units. Mr. Baldwin stated that Mr. Matise told him it would be around \$2,200 – \$2,400 per month.

Chairman Clark asked if they would be providing full maintenance on the property. Mr. Baldwin said yes.

Chairman Clark stated that he would like to see the elevations tied down to the zoning on a property. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that the Planning and Zoning Commission can make a recommendation that the elevations be included with the rezoning of the property. He explained that if the elevations are not tied down to the zoning on the property that it would not guarantee a higher level of development. Mr. Opiela stated that if they submit the elevations at a later time in the process that they would only have to build to the minimum requirements. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the Planning and Zoning Commission would not see the elevations if they were submitted at a later stage of the process. He stated that it would be a staff approval at that point.

Commission Member Kochalka expressed concerns over not having the elevations to show that the applicant plans to build a product with exceptional quality.

Mr. Baldwin distributed photographs of their completed Prestonwood project. Mr. Quint stated that the Planning and Zoning Commission could tie down the general character of the photographs to a rezoning request. Chairman Clark asked if Staff would make the call as to whether or not the general character had been met. Mr. Quint stated that generally the Director of Planning made that call.

Chairperson Clark opened the public hearing and called for comments.

Mr. Steve Mitchell, 7329 Chadwick Dr., McKinney, TX, expressed concerns over the proposed multi-family rezoning of the property and what might be built there if this senior fourplexes project was not built. He stated that he did not want to see a large, three-story, multi-family apartment complex built there if this project fell through. Mr. Mitchell felt the wood fence along the property line was old and dilapidated. He stated that he liked the idea of this project; however, had concerns over them being rental units. Mr. Mitchell asked if the proposed zoning would allow a multi-family apartment complex if the proposed senior fourplexes project fell through. Chairman Clark stated that if the proposed zoning was approved and then they decided to build apartments, instead of fourplexes, the property would need to be rezoned to allow the apartments to be built. Mr. Mitchell asked about the front piece of property along Alma Road. Vice-Chairman Franklin thought that piece of property was zoned "O" – Office District.

Mr. Philip Ruais, 7304 Teakwood Dr. and 7309 Lawndale Ct., McKinney, TX, stated that 95% of the homeowners association (HOA) was in favor of this project. He stated that the developer plans to assist in redoing the fencing along the property line. Mr. Ruais stated that he likes the fact that the developer plans to keep as many trees on the property as possible. He felt the senior fourplexes would be a good use of the property.

Mr. Mark Croft, 7312 Teakwood Dr., McKinney, TX, spoke in favor of the project. He felt it would be a great use for the awkward piece of property.

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

Commission Member Kochalka asked how age restrictions could be tied to the property. Mr. Quint stated that senior multi-family is defined in the Zoning Ordinance

and does require deed restrictions subject to review and approval by the City Attorney. He felt that if the Planning and Zoning Commission wished to approve the rezoning request with the special ordinance provisions as listed in the staff report and add a requirement that only senior multi-family be allowed on the subject property that it would address some of the Commission Members concerns about the age restrictions on the property.

Commission Member Bush asked about the recommended special ordinance provisions. Mr. Quint read the special ordinance provisions that were included in the staff report aloud. He also added multi-family be limited to senior multi-family as defined by the Zoning Ordinance and that any building constructed on the subject property needed to match the architectural character of the Prestonwood photographs that the applicant distributed to the Planning and Zoning Commission earlier in the meeting.

The Commission voted unanimously on a motion made by Commission Member Bush, seconded by Commission Member Thompson, to recommend approval of the proposed rezoning request per the applicant's request with the special ordinance provisions listed in the staff report and with the additional requirements that it be limited to senior multi-family units as defined by the Zoning Ordinance and that any building constructed on the subject property needed to match the architectural character of the Prestonwood photographs that the applicant provided at the meeting, 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 September 17, 2013.

**13-158MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by David R. Petree, on Behalf of Corporation of The Episcopal Diocese and McKinney Royal Investments, Ltd., for Approval of a Minor Replat for Lots 1R and 2, Block A, of the Episcopal Diocese of Dallas Addition, Being Fewer than 11 Acres, Located on the North Side of McKinney Ranch Parkway and Approximately 175 Feet West of Ridge Road**

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

The applicant was not present at the meeting to make any comments or answer questions.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Hilton, seconded by Vice-Chairman Franklin, the Commission voted unanimously to close the public hearing and approve the proposed minor replat as conditioned in the staff report, with a vote of 6-0-0.

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

**13-173M      Consider/Discuss/Act on a Resolution Establishing what Zoning District(s) are Appropriate for a New and Unlisted Land Use, "Community Garden"**

Mr. Michael Quint, Director of Planning for the City of McKinney, explained the proposed resolution establishing what Zoning District(s) are appropriate for a new and unlisted "Community Garden" land use. He stated that Staff recommends approval of the proposed resolution.

Chairman Clark asked the Commission if they had any questions or comments about the request.

Commission Member Bush asked if Staff was recommending that the "Community Garden" land use would be allowed in all zoning districts, including every character district of the "MTC" – McKinney Town Center District. Mr. Quint said yes.

Vice-Chairman Franklin asked if a permit would be required for a community garden. Mr. Quint said no; however, if they wanted a fence around the garden then a fence permit would be required.

Chairman Clark asked if a community garden would be allowed on a vacant lot in Stonebridge Ranch. Mr. Quint stated yes but further explained that there could be homeowners association (HOA) regulations and deed restrictions on the property that could restrict the use.

Vice-Chairman Franklin expressed concerns about whether or not inner-city lots with community gardens would be kept up over time. Mr. Quint explained that Code Enforcement for the City of McKinney would issue citations if the gardens were not kept up to regulations.

The Commission voted unanimously on a motion by Vice-Chairman Franklin, seconded by Commission Member Hilton, to recommend approval of the proposed resolution establishing what Zoning District(s) are appropriate for a new and unlisted land use, "Community Garden" as listed in the Staff Report, with a vote of 6-0-0.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded on to the City Council meeting on September 17, 2013.

**END OF THE REGULAR ITEMS AND PUBLIC HEARINGS**

Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Vice-Chairman Franklin and Commission Member Hilton had been reappointed to the Planning and Zoning Commission for another term. He stated that Chairman Clark was appointed to the McKinney Economic Development Corporation Board. Mr. Quint recognized Mr. Michael Osuna, which was present in the audience, as being appointed to the Planning and Zoning Commission beginning October 2013.

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

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ROBERT S. CLARK  
Chairman