



Planning & Zoning Commission

Van Alstyne City Hall

152 N. Main Drive

March 16, 2022

6:30 p.m.

MINUTES

Commissioners present: Chairman John Spies, Jim DuBois, Dale DeMond, Matt Uppole, Larry Cooper, and Mark McKinney (Alternate 1 – did not serve)

Commissioner absent: Caleb Pruitt (Alternate 2)

Staff present: City Manager Lane Jones, City Planner Brooks Wilson, City Engineer Len McManus, and City Attorney Alan Lathrom

1. Call to Order.

The Chairman called the meeting to order and established a quorum at 6:32 p.m.

2. Consent Agenda.

Items are considered self-explanatory and will be enacted with a single motion. No separate discussion of these items will occur unless so requested by at least one member of the Planning & Zoning Commission.

- a. Minutes Approval. Consider and take any action necessary regarding approval of the Minutes from the February 16, 2022 Planning & Zoning Commission meeting.
- b. Consider and take any action necessary regarding a request by an owner/agent for approval of a Final Plat for the Churchill Addition, a 105.476-acre tract of land situated in the Mark Roberts Survey, Abstract No. 742, Collin County, Texas, and generally located at the northeast intersection of CR 1106 (Churchill Parkway) and CR 830. (*Churchill Major Infrastructure Final Plat + 15 SF Lots*)
- c. Consider and take any action necessary regarding a request by an owner/agent for approval of a Final Plat for the VAISD High School tract, a 102.993-acre tract of land situated in the Asbury Cartwright Survey, Abstract No. 251, Grayson County, Texas, and generally located on the west side of Collin McKinney Parkway and approximately 2,000 feet south of West FM 121 (West Van Alstyne Parkway). (*VAISD High School Final Plat*)
- d. Consider and take any action necessary regarding a request by an owner/agent for approval of a Preliminary Plat for the River Ranch Phase 1 Final, a 34.977-acre tract of land situated in the James McKinney Survey, Abstract No. 770, Grayson County, Texas, and generally located on the north side of Spence Road, approximately 800 feet west of State Highway 5 (N. Waco Street). (*River Ranch Phase 1 Final Plat*)
- e. Consider and take any action necessary regarding a request by an owner/agent for approval of a Preliminary Plat for the Sunset Pointe Addition, a 20.676-acre tract of land situated in the William McCulloch Survey, Abstract No. 805, Grayson County, Texas, and generally located to the east and north of Stone Marshall Drive, approximately 1,900 feet south of Knob Hill Road. (*Sunset*

Pointe Preliminary Plat)

- f. Consider and take any action necessary regarding a request by an owner/agent for approval of a Final Plat for Lots 1 and 2, Block A of the Babekuhl Addition and a Replat of Lot 1 of the Colvin Addition, with a total acreage of 0.852 acres situated in the James McKinney Survey, Abstract No. 770, Grayson County, Texas, and generally located at the southeast corner of North Preston Avenue and Tolson Street. *(Babekuhl Final Plat and Colvin Lot 1 Replat)*

Commissioner DeMond moved to approve the Consent Agenda with the correction to the Minutes. The motion was seconded by Commissioner Cooper and passed unanimously.

3. Public Hearings.

- a. Conduct a public hearing, consider, and make a recommendation to City Council regarding a request by an owner/agent to rezone a 36.702-acre tract of land following annexation from an A, Agricultural Zoning District following annexation to a PD, Planned Development Zoning District, with the underlying zoning classifications of SF-65, Single-Family Residential Zoning District and C-2, General Commercial Zoning District. The subject property is situated in the W.B. Blundell Survey, Abstract No. 115, Grayson County, Texas. The subject property is generally located on the west side of Kelly Lane and approximately 1,800 feet south of West Houston Street. *(Tinsley Meadows Rezoning)*

Brooks Wilson pointed out several area regulation changes that were requested that were not included in the Staff Report.

Chairman Spies opened the Public Hearing at 6:32 p.m.

Bryan Robertson, representing the Roberts Companies, 5700 Granite Parkway, Plano, Texas, 75024, addressed the Commission and said he was available to answer questions.

Mike Drynan, 1414 St. Johns, Van Alstyne, Texas, 75495 expressed concern about Kelly Lane being used as a truck route and the amount of traffic along that roadway. He stated that the local roadways are not adequate to handle any additional traffic at this time.

Whitney Holmes, 1429 Hanover Lane, Van Alstyne, Texas, 75495 stated that she objected to the number of homes being added directly across from Georgetown.

There being no other questions or comments from the public, the Public Hearing was closed at 6:40 p.m.

Chairman Spies then asked the Commissioners if they had any questions or comments.

Commissioner DeMond expressed disappointment that the newly adopted SF-65 area standards had been reduced.

Mr. Robertson responded that they requested modifying the standards very slightly to accommodate the site and also voluntarily agreeing to 70% masonry.

Commissioner DuBois asked why the developer was connecting directly across from Bryn Mawr.

Jerry Silo, JBI Partners, 2121 Midway Road, Suite 300, Carrollton, Texas, 75006 representing the owner, responded that when Kelly Lane is widened to its ultimate four-lane divided, that a median break would have to be located at either Bryn Mawr or St. John's Drive. The City Staff recommended Bryn Mawr as the circuitous route through the new development would make cut-through traffic less desirable.

Commission Uppole asked how many lots would be lost if the developer used the SF-65 area regulations.

Mr. Robertson said approximately eight lots.

Commissioner Cooper asked if the construction traffic could use US 75 frontage road instead of Kelly Lane.

Chairman Spies commented that this proposed development far exceeded the previous submittal of multi-family development.

There being no further questions or comments from the Commissioners, Chairman Spies called for a motion.

The first motion made by Commissioner Cooper was rescinded. Then Commissioner Cooper moved a second time to approve the Tinsley Meadows Rezoning Request. The motion was seconded by Chairman Spies and passed by a vote of 3-2 (Uppole and DeMond opposed).

- b. Conduct a public hearing, consider, and make a recommendation to City Council regarding a

request by an owner/agent to rezone a 1.856-acre tract of land following annexation from an A, Agricultural Zoning District following annexation to a PD, Planned Development Zoning District, with the underlying zoning classification of SF-65, Single-Family Residential Zoning District. The subject property is situated in the Ashley McKinney Survey, Abstract No. 851, Grayson County, Texas. The subject property is generally located at the terminus of San Carlos Drive in the Georgetown residential community. (*Georgetown Phase 2 Rezoning*)

Chairman Spies opened the Public Hearing at 7:13 p.m.

Whitney Holmes, 1429 Hanover Lane, Van Alstyne, Texas, 75495 stated that she was skeptical that the owner would follow through with the submitted plans since he has been cited multiple times for not maintaining the private property.

Josh Mahr, 108 Provence Drive, Van Alstyne, Texas, 75495, stated that as President of the Georgetown HOA that he had not been approached by the owner or his representative regarding the proposed homes joining the existing HOA. He stated that if approved that the homes resemble, as much as possible, the existing homes in Georgetown to maintain values. He went on to say that in order to gain entry to the HOA, all the members of the HOA must be contacted, and a vote be taken.

Ritchie Rodgers, 1427 San Carlos Drive, Van Alstyne, Texas, 75495, stated that his property is directly adjacent to the proposed zoning case and that he has a long history with the owner. He objected to construction trucks using San Carlos to reach the property and generally objected to the rezoning request. There being no other questions or comments from the public, the Public Hearing was closed at 7:21 p.m.

Chairman Spies then asked the Commissioners if they had any questions or comments.

Xavier Chapa, representing the owner, said that he was available for questions.

Commissioner DuBois stated that when the owner brought a similar zoning case to the City two years ago, the Commission asked the owner to contact the Georgetown HOA for either a letter stating that the new homes could join the existing HOA or a letter of refusal. None was forthcoming and none has been provided for this rezoning request.

Planner Brooks Wilson stated that she has repeatedly asked the owner to provide proof that he has contacted the HOA and received none.

Commissioner DeMond asked Mr. Chapa about details regarding the zoning exhibit.

Mr. Chapa responded that the "inner" line represented the building setbacks.

Chairman Spies stated that the owner had received several citations for lack of property maintenance and expressed dismay that the owner and his representative of record were not in attendance to answer questions. Chairman Spies then summarized the list of outstanding issues: HOA membership, construction traffic, builder company, and that masonry should match that of Georgetown.

Ms. Wilson added that the owner had signed the Development Agreement that was included in the 2020 case and has agreed to 70% masonry plus several other minor architectural details, although that Development Agreement has not been brought to the City Council for their approval and City signatures.

Chairman Spies asked Mr. Chapa if he or the owner could resolve the issues mentioned if given a month.

Mr. Chapa declined.

There being no further questions or comments from the Commissioners, Chairman Spies called for a motion.

Commissioner Uppole moved to deny the Georgetown Phase 2 Rezoning Request. The motion was seconded by Commissioner DuBois and passed unanimously. This case will not be brought to the City Council unless the owner/applicant files an appeal.

- c. Conduct a public hearing, consider, and make a recommendation to City Council regarding a proposed text amendment to Chapter 32, "Signs and Other Advertising," Article II, "Administration," regarding changes to Section 32-22, "Prohibited Signs," Section 32-23, "Nonconforming Signs," Section 32-24, "Maintenance of Signs and Neglected and Abandoned Signs," Section 32-25, "Removal of Signs in Violation," Section 32-29, "Definitions," and Section 32-30, "Criteria for Permissible Signs." (*Sign Ordinance Text Amendment*)

Chairman Spies opened the Public Hearing at 7:41 p.m.

There being no questions or comments from the public, the Public Hearing was closed at 7:42 p.m.

Chairman Spies asked if the billboards currently existing in Van Alstyne and its ETJ could also be phased

out, as is proposed with the existing pole signs. There was general discussion regarding the appropriate timeframe for amortizing billboards.

Ms. Wilson stated that she would survey several cities that have adopted an amortization schedule to remove billboards and report back to the Commission.

Chairman Spies then asked the Commissioners if they had any questions or comments Commissioner DuBois asked about the indented wording for the upkeep of the town's historic billboards and if "upkeep" might damage the look of the faded paint.

Ms. Wilson offered to rewrite that section for greater clarity on the intent to maintain the murals in their current state.

There being no further questions or comments from the Commissioners, Chairman Spies called for a motion.

Commissioner DuBois moved to approve the Sign Ordinance Text Amendment with adding an amortization schedule for billboards and adding revised language to the maintenance of existing murals. The motion was seconded by Commissioner DeMond and passed unanimously.

- d. Conduct a public hearing, consider, and make a recommendation to City Council regarding a proposed text amendment to Chapter 46, "Zoning," Article III, "Use of Land and Buildings," Section 46-131, "Miscellaneous Special Uses," adding a new subsection 46-131(p), entitled "Short-Term Rentals," establishing regulations and an application process, and associated changes to Section 46-3, "Definitions," Section 46-125, "Schedule of Uses" necessary to effect this change. *(Short Term Rental Text Amendment)*
This item was withdrawn by Staff and not discussed by the Commission.

- e. Conduct a public hearing, consider, and make a recommendation to City Council regarding a proposed text amendment to Chapter 10, "Businesses," Article III, "Food Establishments," regarding changes to Division 3, "Mobile Food Vendors," to clarify certain regulations for food vendors registration for City-sponsored special events. *(Mobile Food Vendor Text Amendment)*

Chairman Spies opened the Public Hearing at 7:52 p.m.

Brooks Wilson presented an overview of the Mobile Food Vendor text amendment.

There being no questions or comments from the public, the Public Hearing was closed at 7:52 p.m.

Chairman Spies then asked the Commissioners if they had any questions or comments.

There being no questions or comments from the Commissioners, Chairman Spies called for a motion.

Commissioner DeMond moved to approve the Mobile Food Vendor text amendment. The motion was seconded by Commissioner Cooper and passed unanimously.

- f. Conduct a public hearing, consider, and make a recommendation to City Council regarding a proposed map amendment to the City Thoroughfare Plan to revise the general location of a future designated collector street to accommodate a new residential development. *(Thoroughfare Plan Amendment)*

Chairman Spies opened the Public Hearing at 7:54 p.m.

Brooks Wilson presented an overview of the Thoroughfare Plan Map Amendment.

Susan Powell (address not given) asked if the proposed street would cross through the new park to be located off Kelly Lane.

Ms. Wilson replied that it would "T" into Kelly Lane and not cross through the park.

There being no further questions or comments from the public, the Public Hearing was closed at 7:57 p.m.

Chairman Spies then asked the Commissioners if they had any questions or comments.

Commissioner DeMond asked if the property to the north of the LAER TRAMS property had one or multiple owners.

Ms. Wilson responded that the 20-acre tract is owned by a single owner.

There being no further questions or comments from the Commissioners, Chairman Spies called for a motion.

Commissioner DuBois moved to approve the Thoroughfare Plan Map Amendment. The motion was seconded by Commissioner Uppole and passed unanimously.

Prior to the Action Items, at 7:58 p.m., the Planning & Zoning Commission adjourned the regular meeting and convened into Executive Session for consultation with the City Attorney, as allowed under the Texas Local

Government Code, Chapter 551.071.

The Planning & Zoning Commission reconvened the regular meeting at 8:22 p.m.

Prior to discussion of the action items by the Planning & Zoning Commission, Chairman Spies asked the audience if anyone wished to speak on either action item.

Steve Jackson (no address given) spoke against the Megatel Master Plan since his property is located close to the proposed development.

4. Action Items.

- (a) Consider and make a recommendation to City Council regarding a request by an owner/agent for approval of a Site Plan for the First Baptist Phase 1 to approve a new sanctuary with office space, landscaping, parking, and fire lanes. The 12.52-acre tract of land is a portion of the 20.00-acre tract and is situated in the W. B. Blundell Survey, Abstract No. 115, Grayson County, Texas, and generally located on the east side of Collin McKinney Parkway (formerly Cartwright Road) and approximately 1,500 feet south of FM 121 (West Van Alstyne Parkway). *(First Baptist Phase 1 Site Plan)*

Chairman Spies asked the Commissioners if they had any questions or comments.

There being no questions or comments from the Commissioners, Chairman Spies called for a motion.

Commissioner DuBois moved to approve the Baptist Church Site Plan. The motion was seconded by Commissioner DeMond and passed unanimously.

- (b) Consider and approve, approve with conditions, or deny a request by Megatel regarding a Master Plan submittal for Treasure Island, a master planned community on a 1,128.7-acre tract of land situated in the Vel D. Fox Survey, Abstract No. 423, the Jahiel Fox Survey, Abstract No. 424, the Christopher Nolan Survey, Abstract No. 905, the Michael West Survey, Abstract No. 1323, and the Alexander Wilson Survey, Abstract No. 1337, Grayson County, Texas. The subject property is generally located west of US 75, south of Farmington Road, and north of FM 121 (W. Van Alstyne Parkway) in Van Alstyne's ETJ. *(Megatel Master Plan)*

Ms. Wilson presented an overview of the Treasure Island Master Plan deficiencies and stated that since the Master Plan, as submitted, did not meet the requirements of the Subdivision Ordinance, it must be denied.

There being no questions or comments from the Commissioners, Chairman Spies called for a motion.

Commissioner Cooper moved to disallow the Treasure Island Master Plan based on the reasons and the City ordinances and state statutes identified by the City Planner and/or set out in the PowerPoint presentation, and also request that the City Manager cause a written statement of the reasons for disapproval and the requirements that must be satisfied for approval be provided to the applicant in accordance with the requirements of state law. The motion was seconded by Commissioner DuBois and passed unanimously.

5. City Manager's Comments.

The City Manager encouraged citizens to attend public meetings to voice their concerns and preferences to the City Staff and elected and appointed bodies.

6. Adjournment: The Chairman adjourned the meeting at 8:39 p.m.

John Spies, Chairman

ATTEST: _____
Brooks Wilson, Planner