

## PLANNING AND ZONING COMMISSION

MARCH 26, 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, March 26, 2013 at 6:30 p.m.

City Council Member Present: Don Day

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

Commission Members Absent: None

Staff Present: Assistant Director of Development Services Rick Leinser, Director of Planning Michael Quint, Deputy Chief of Police Scott Brewer, Planning Manager Brandon Opiela, Planner II Alex Glushko, Planners Samantha Gleinser and Leo Bethge, and Administrative Assistant Terri Ramey

There were approximately eleven guests present.

Chairman Clark called the meeting to order at 6:30 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 three 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 issues.

The Commission unanimously approved the motion by Vice-Chairman Franklin, seconded by Commission Member Gilmore, to approve the following Consent Item:

**13-315 Minutes of the Planning and Zoning Commission  
Regular Meeting of March 12, 2013**

**END OF CONSENT**

Chairman Clark continued the meeting with the Regular Items on the agenda.

Vice-Chairman Franklin stepped down during the consideration of item # 13-048Z, due to a possible conflict of interest.

**13-048Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of LF Development Partners, L.P., for Approval of a Request to Rezone Fewer than 2 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for a Daycare Use, Located on the East Side of Lake Forest Drive and Approximately 1,100 Feet South of U.S. Highway 380 (University Drive)**

Ms. Samantha Gleinser, Planner for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. Staff will re-notice for an upcoming public hearing.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Bush, seconded by Commission Member Gilmore, the Commission voted 6-0-1 to close the public hearing and table the proposed rezoning request indefinitely as recommended by Staff. Vice-Chairman Franklin abstained.

Vice-Chairman Franklin returned to the meeting.

**13-045SUP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pross Design Group, Inc., on Behalf of Virginia Custer Holdings, L.L.C., for Approval of a Specific Use Permit for an Indoor Gun Range (McKinney Gun Club), Being Fewer than 4 Acres, Located on the East Side of Custer Road and Approximately 950 Feet North of Virginia Parkway**

Mr. Alex Glushko, Planner II for the City of McKinney, explained the specific use permit request. He stated that Staff recommends approval of the requested specific use permit with the special ordinance provision listed in the staff report.

Commission Member Gilmore asked for the distance between the proposed indoor gun range and surrounding residential properties. Mr. Glushko stated that, measured from the existing structure to the nearest residential structure, it is approximately 375' and it is approximately 400' from the existing structure to the nearest multi-family structure.

Commission Member Gilmore asked if this was the reason why the residential properties in the general area did not receive a notice. Mr. Glushko stated that notices were sent to surrounding property owners within 200' of the proposed request.

Chairman Clark asked if the provision regarding the maximum sound pressure level of 25 decibels would be measured at the property line. Mr. Glushko said yes.

Chairman Clark asked Staff if they knew how many decibels it might be at the nearest residential property. Mr. Glushko was not able to answer that question.

Commission Member Thompson asked what decibel level would be required by ordinance. Mr. Glushko stated that it varies between 53 – 86 decibels depending on the octave band.

Commission Member Gilmore asked what the decibels were at the Bullet Trap, located in Plano, TX. Mr. Glushko stated that Staff did not measure the sound levels while visiting the other facility; however, it was audible from the exterior.

Vice-Chairman Franklin asked if Staff could hear the sound of discharging guns while standing at the property line of the Bullet Trap facility in Plano, TX. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that Staff could hear the sound of the firearms; however, Staff was not aware of the construction measures put into place when the facility was constructed. He stated that the sound outside of the Bullet Trap facility was louder than 25 decibels, and suggested that the applicant discuss how they intend to address the issue.

Mr. Frank Richardson, Pross Design Group, Inc., 11297 Covey Point Lane, Frisco, TX, stated that they are the architect and applicant on this project. He stated that they are also the architect for the Frisco Gun Club that is being built in Frisco, TX. Mr. Richardson stated that the Bullet Trap was built 20-30 years ago, and that no sound control measures were required at that time. He stated that the Bullet Trap is a safe and clean facility. Mr. Richardson stated that the 25 decibels requirement for the McKinney location was onerous; however, he felt confident that they could meet the requirement.

Chairman Clark wanted to make sure that the applicant realized that if they are not able to meet the maximum sound pressure level of 25 decibels at all bounding property lines, then they would not be allowed to operate. Mr. Richardson acknowledged that he was aware of the requirement.

Commission Member Bush asked what the sound level at the property line of the Plano facility was. Mr. Richardson did not have that information.

Commission Member Hilton asked what type of sound pressure restrictions were required at the Frisco facility. Mr. Richardson stated that the City of Frisco did not impose any type of sound isolation requirement.

Commission Member Gilmore stated that some surrounding homeowners had voiced concerns regarding sound issues that might arise from having a gun range located near their properties. Mr. Richardson mentioned that there is a mini-warehouse located between the proposed gun range and those residential homes. Commission Member Gilmore stated that those homeowner's properties sit higher than the proposed property. Mr. Richardson stated that the firing lanes were proposed to be located on the southern side of the building. Mr. Richardson also believed that the distance between the proposed building and those residents would help with any sound issues.

Commission Member Kochalka had questions regarding the safety measures of the proposed project. Mr. Richardson stated that they require members of the gun club to show identification, firearm registration, and that they have completed safety guidelines. He stated that the building would be retrofitted with steel plating for stray bullets and there would be traps at the end of the building to catch the bullet materials.

Chairperson Clark opened the public hearing and called for comments.

Mr. Chris Lanciani, 805 San Marcos Dr., McKinney, TX, stated that he lives in the Estates of Verona, located north of the proposed property. He stated that he did not have an issue with having a gun range in McKinney. Mr. Lanciani liked the requirement for having the maximum sound pressure level at all bounding property lines set at a maximum of 25 decibels. He expressed concerns about locating a gun range near a neighborhood because it might affect property values and sales and resale of property. Mr. Lanciani also expressed general safety concerns.

Commission Member Gilmore expressed concerns about whether or not the applicant could meet the requirement for the 25 decibels maximum sound pressure level at all bounding property lines. Mr. Richardson stated that he had not been asked to prepare an engineering analysis to ensure that the requirement could be met; however, he felt confident that they could meet the requirement. Chairman Clark stated that if the sound level was above the 25 decibels at the property line that the gun range would be shut down.

Vice-Chairman Franklin asked about the typical clientele for the gun range. Mr. Richardson stated that he does not operate the facilities. He felt the clientele would be residents of the city and typically blue and white collar workers. Mr. Richardson felt that such clientele would be concerned with safety and would be responsible individuals.

Vice-Chairman Franklin asked if they required the individuals be trained before being allowed to shoot firearms at the facility. Mr. Richardson stated that was correct.

Chairman Clark asked if they do background checks on the individuals allowed to shoot firearms at the facility. Mr. Richardson said no. He believed that there would have been a background check when any firearms were purchased.

Commission Member Bush had questions regarding how Staff would enforce the sound level requirement. Mr. Glushko stated that Code Enforcement Staff would respond to citizen complaints and could check the sound level at that time. He stated that if they do not comply, then Staff would either work to ensure compliance or issue citations as the situation necessitated. Commission Member Bush asked if Staff had a machine to measure sound levels. Mr. Glushko said yes. Commission Member Thompson felt the owner of the gun range would not spend this amount of money on the project if he did not believe that it could achieve compliance with City requirements.

The Commission unanimously approved the motion with a vote of 7-0-0, by Commission Member Thompson, seconded by Commission Member Bush, to close the public hearing and recommend approval of the specific use permit for an indoor gun range (McKinney Gun Club).

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 16, 2013.

**13-028SUP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Turrentine Family Partnership, Ltd., for Approval of a Specific Use Permit to Allow for a Restaurant with Drive-Through Window (Bahama Buck's), Being Less than 1 Acre, Located Approximately 400 Feet East of Jordan Road and on the South Side of Virginia Parkway**

Mr. Leo Bethge, Planner for the City of McKinney, explained the specific use permit request. He stated that Staff recommends approval of the requested specific use permit with the special ordinance provision listed in the staff report.

Mr. Don Paschal, 904 Parkwood Ct., McKinney, 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, with a vote of 7-0-0, to close the public hearing and recommend approval of the specific use permit as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 16, 2013.

**12-141SP3 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of DFA, Ltd., for Approval of a Site Plan for the Oak Hollow Office Warehouse Park, Being Fewer than 4 Acres, Located Approximately 300 Feet South of Wilmeth Road and on the West Side of State Highway 5 (McDonald Street)**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the proposed site plan. He stated that Staff recommends approval of the proposed site plan as conditioned in the staff report.

Mr. Dwayne Zinn, Cross Engineering Consultants, Inc., 131 S. Tennessee St., McKinney, TX, concurred with the staff report.

Commission Member Bush asked about the screening for the bay doors. Mr. Zinn stated that part of the golf course is to the west of this property; however, no bay doors would be facing to the west.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Kochalka, seconded by Vice-Chairman Franklin, the Commission voted unanimously, with a vote of 7-0-0, to close the public hearing and recommend approval of the proposed site plan as conditioned in the staff report.

Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed site plan.

**12-234Z2 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 900 Feet East of Lake Forest  
Drive and on the South Side of Future Collin McKinney  
Parkway**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that the proposed support tower with communication antennas did not meet the required setbacks, exceeded the maximum height allowed for a support tower, and exceeded the maximum allowed height for a screening wall as specified in the City of McKinney's Zoning Ordinance. Ms. Gleinser stated that Staff recommends denial of the proposed rezoning request as outlined in the staff report.

Commission Member Thompson asked how high the applicant proposed to build the support tower. Ms. Gleinser stated that the applicant is requesting 130' and the maximum height allowed was 125'.

Commission Member Thompson asked how tall the support tower on Alma Road was located over by Craig Ranch. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that the support tower was built prior to the property being annexed into the City of McKinney and is significantly taller than the proposed tower.

Commission Member Bush stated that the support tower on Eldorado was approximately 150'.

Commission Member Thompson asked about the proposed setbacks. Ms. Gleinser stated that currently the applicant was proposing to locate the support tower approximately 75' to future Collin McKinney Parkway, approximately 200' from the eastern property line, and approximately 900' from Lake Forest. She stated that the setback requirement was 390' from any property line. Commission Member Thompson asked how short the setbacks would be to what is required. Ms. Gleinser stated that the setback to the future Collin McKinney Parkway is short over 300' and the setback to the eastern property line is short approximately 200'.

Mr. Peter Kavanagh, 1620 Handley, Suite A, Dallas, TX, stated that he represented Verizon Wireless. He distributed some handouts showing tower examples located in other neighborhoods. Mr. Kavanagh discussed the propagation map that

shows the coverage of surrounding towers. He did not feel that the support tower would have a negative impact on the surrounding properties and did not feel the average person would notice the support tower. Mr. Kavanagh offered to change the setback from the future Collin McKinney Parkway to 100'. He stated that they preferred to have the height of the tower at 130'; however, would be willing to reduce the height of the tower to 125'.

Commission Member Bush asked Mr. Kavanagh if the monopole was designed to carry five carriers. Mr. Kavanagh stated that it could carry up to five carriers; however, he would not say that is how many different carriers this proposed tower would have on it.

Commission Member Bush asked for the elevation for the lowest carrier on the tower. Mr. Kavanagh stated that the centerline of the lowest carrier would be 85'. He stated that the centerlines are typically set at heights of 125', 115', 105', 95', and 85'.

Commission Member Bush asked Mr. Kavanagh if they had considered building a support tower on top of the Valliance Bank located near this property. Mr. Kavanagh stated that they had inquired about this location a few years back; however, were not able to secure that location.

Commission Member Bush did not feel that lowering the height of the support tower would degrade the signal. Commission Member Thompson felt that the height of the nearby Valliance Bank could be an issue with having a support tower with a similar height. Commission Member Bush questioned why that height would not work for them, if the possible lowest carrier on the proposed support tower could operate at that height. Mr. Kavanagh stated that the City requires additional co-location points on the tower. He stated that they plan to use two to three canisters and would lease the remaining canisters.

Chairman Clark asked Mr. Kavanagh if they had considered installing multiple shorter support towers versus one large support tower to cover the same area. Mr. Kavanagh felt having one taller support tower was more efficient than multiple shorter support towers in an area. Commission Members Bush and Thompson felt it would stand out more to have multiple shorter support towers than one taller support tower in an area.



Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Hilton, the Commission voted unanimously, with a vote of 7-0-0, to close the public hearing.

Commission Member Thompson asked about the zoning of the surrounding properties. Ms. Gleinser stated to the northeast there is residential and the remainder of the surrounding properties are zoned "PD" – Planned Development District for commercial uses. She stated that the support tower was required to be two times the height of the pole from any residential properties and that the proposed support tower met this requirement. Ms. Gleinser expressed Staff concerns about having a support tower in such close proximity to a future major thoroughfare.

Commission Member Bush felt the ideal location for the support tower would be on top of the Valliance Bank building. He felt that the applicant should contact the owner of the bank building to see if he would be willing to allow them to build it there.

Chairman Clark mentioned that the applicant could request that the item be tabled, if he would like more time to work out some of the issues. Mr. Kavanagh stated that it was tough to place a project on hold and did not wish to table the item.

Commission Member Hilton asked Mr. Kavanagh how many properties he had requested to be rezoned for similar support towers. Mr. Kavanagh stated that he had rezoned three to four properties in McKinney for similar support towers and a few hundred all over.

Commission Member Hilton asked Mr. Kavanagh how many of those support towers had fallen over. Mr. Kavanagh stated that none of them had fallen over.

Commission Member Hilton asked Mr. Kavanagh about how the tower was constructed. Mr. Kavanagh stated that the base of the tower was about 6' across, made of concrete and steel, and it would be about 18' deep, depending on the soil at the location. He stated that loss of power to a support tower was generally the major issue with a tower during a storm. Mr. Kavanagh stated that the Brazos Electric Substation was located next to the proposed property. He stated that they had already checked with Brazos Electric to see if they could place a tower on their property; however, they do not allow towers on their substation properties.

Commission Member Kochalka expressed concerns over the setback issues. Mr. Kavanagh felt the proposed tower's location was appropriate for the property and stated that the towers were built to address wind loads.

Chairman Clark asked if the proposed tower was built to collapse upon itself if for some reason it was to go down. Mr. Kavanagh stated that the pole should bend a little; however, not fall down.

The motion by Commission Member Thompson, seconded by Commission Member Gilmore, to recommend approval of the rezoning request as requested by the applicant, failed with a vote of 2-5-0. Chairman Clark, Vice-Chairman Franklin, Commission Member Bush, Commission Member Hilton, and Commission Member Kochalka voted against the motion.

The Commission approved the motion by Commission Member Kochalka, seconded by Commission Member Bush, to recommend denial of the rezoning request as recommended by Staff, with a vote of 5-2-0. Commission Members Kochalka and 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 April 16, 2013. He stated that the request would need a favorable supermajority vote from City Council to approve the rezoning request.

**13-029M      Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Repeal Ordinance Number 2012-11-056 which Modified Chapters 138, 142, and 146 of the Code of Ordinances**

Mr. Michael Quint, Director of Planning for the City of McKinney, discussed the proposed repeal of Ordinance # 2012-11-056.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Vice-Chairman Franklin, the Commission voted unanimously to recommend repealing Ordinance # 2012-11-056 as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 2, 2013.

**13-053M      Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend Sections**

**142-73 (General Development Plan) and 142-99 (Lots) of the Subdivision Regulations and Sections 146-40 (Nonconforming Uses and Nonconforming Structures), 146-44 (Access Management Plan Approval), and 146-45 (Site Plan Approval) of the Zoning Regulations**

Mr. Michael Quint, Director of Planning for the City of McKinney, discussed the proposed amendments to sections 142-73 (General Development Plan) and 142-99 (Lots) of the Subdivision Regulations and Sections 146-40 (Nonconforming Uses and Nonconforming Structures), 146-44 (Access Management Plan Approval), and 146-45 (Site Plan Approval) of the Zoning Regulations.

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 recommend amending sections 142-73 (General Development Plan) and 142-99 (Lots) of the Subdivision Regulations and Sections 146-40 (Nonconforming Uses and Nonconforming Structures), 146-44 (Access Management Plan Approval), and 146-45 (Site Plan Approval) of the Zoning Regulations as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 2, 2013.

**12-222M4 Consider/Discuss/Act on Rescheduling the Date of a Joint Meeting of the Planning and Zoning Commission and the City Council in order to Conduct a Public Hearing and Consider/Act on the Proposed Adoption and Integration of the McKinney Town Center (MTC) Form-Based Zoning District Regulations**

Mr. Michael Quint, Director of Planning for the City of McKinney, explained the item.

The Commission unanimously approved the motion by Commission Member Bush, seconded by Commission Member Hilton, to reschedule the joint meeting of the Planning and Zoning Commission and City Council to April 22, 2013 at 5:30 p.m. in order to continue the public hearing and consider/discuss/act on the proposed adoption and integration of the McKinney Town Center (MTC) form-based zoning district regulations into the Code of Ordinances.

**13-001M4 Consider/Discuss/Act on Rescheduling the Date of a Joint Meeting of the Planning and Zoning Commission and the City Council in order to Conduct a Public Hearing and Consider/Act on the Proposed Rezoning of Fewer Than 262 Acres to the McKinney Town Center**

**(MTC) Form-Based Zoning District**

Mr. Michael Quint, Director of Planning for the City of McKinney, explained the item.

The Commission unanimously approved the motion by Commission Member Hilton, seconded by Commission Member Gilmore, to reschedule the joint meeting of the Planning and Zoning Commission and City Council to April 22, 2013 at 5:30 p.m. in order to conduct a public hearing and consider/discuss/act on the proposed rezoning of fewer than 262 acres to the McKinney Town Center (MTC) form-based zoning district.

**END OF REGULAR ITEMS**

Mr. Michael Quint, Director of Planning for the City of McKinney, reminded the Commission that the Planning and Zoning Commission meetings will now start at 6:00 p.m. beginning at the first meeting held in April 2013. He also asked the Commission Members to return their laptops that were issued by the City of McKinney, if they are not using them.

Chairman Clark declared the meeting adjourned at 7:41 p.m.

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ROBERT S. CLARK  
Chairman