

**MINUTES
CITY OF MCKINNEY, TEXAS
PLANNING & ZONING COMMISSION
TUESDAY, JANUARY 11, 2011
6:30 P.M. – COUNCIL CHAMBER – CITY HALL**

The Planning and Zoning Commission of the City of McKinney, Texas, met in regular session in the Council Chamber of the Municipal Building on Tuesday, January 11, 2011 at 6:30 p.m.

Commission Members present were Robert S. Clark, Darrell Tate, Sean Lingenfelter, George Bush, Ray Eckenrode, Jack Radke and Larry Thompson. Staff members present were Assistant City Secretary Blanca Garcia, Director of Planning Jennifer Cox, Senior Planners Brandon Opiela and Michael Quint, Planner Abra Nusser, and Administrative Assistant Terri Ramey.

There were 10 guests present.

Chairperson Clark presided.

Chairperson 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 further considered by City Council at its regularly scheduled meeting of February 1, 2011, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by January 18, 2011. 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. Chairperson 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.

Chairperson Clark began the agenda with the Consent Items.

**Consider/Discuss/Act on the Minutes of the
December 7, 2010 City Council and
Planning and Zoning Commission Joint
Meeting.**

**Consider/Discuss/Act on the Minutes of the
December 14, 2010 Planning and Zoning
Commission Regular Meeting**

10-085PF Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of JBGL Inwood, L.L.C. and Willivy Development, L.P., for Approval of a Preliminary-Final Plat for 161 Single Family Residential Lots and 4 Common Areas, for the Inwood Hills, Phase 2 Addition, Approximately 36.95 Acres, Located on the Northwest Corner of Hardin Boulevard and Bent Creek Road.

On a motion by Commission Member Lingenfelter, seconded by Commission Member Radke, the Commission voted 7-0 to approve the Consent Items.

Chairperson Clark began the agenda with the Regular Items.

10-130Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Skorborg Retail Corporation, on Behalf of Blackmon Ranch, Ltd., for a Request to Rezone Approximately 23.20 Acres from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located Approximately 825 Feet East of Lake Forest Drive and on the South Side of McKinney Ranch Parkway.

Ms. Abra Nusser, Planner for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. Staff will re-notify for the next public hearing. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Vice-Chairperson Tate, seconded by Commission Member Thompson, the Commission voted 7-0 to close the public hearing and table the proposed rezoning request as recommended by Staff.

10-127Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Oden Hughes, L.L.C., on Behalf of Skyline/380 Commercial, L.L.C., for Approval of a Request to Rezone Approximately 12.80 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards and for Multiple Family Uses, Located on the North Side of U.S. Highway 380 (University Drive) and on the West Side of Skyline Drive.

Ms. Abra Nusser, Planner for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. Staff will re-notify for the next public hearing.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Radke, seconded by Commission Member Bush, the Commission voted 7-0 to close the public hearing and table the proposed rezoning request indefinitely as recommended by Staff.

10-134SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Custer West Partners IV, L.P., on Behalf of James J. Melino, for Approval of a Site Plan for an Amenity Center (The Heights at Westridge, Phase III Addition), Approximately 0.82 Acres, Located on the Northeast Corner of Eden Drive and Willard Drive.

Ms. Abra Nusser, Planner for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled until the January 25, 2011 Planning and Zoning Commission meeting per the applicant's request. Chairperson Clark opened the public hearing and called for comments. Mr. Steve Puleo, 2317 Willard Drive, McKinney, TX 75070, stated that he lives next door to the planned amenity center. He stated that he has some concerns about the how long the property is going to stay vacant. Mr. Puleo stated that he felt that the vacant property is becoming an eyesore. He stated that he has concerns regarding gang activity and graffiti around the drainage areas near Eden Drive. Chairperson Clark stated that they are encouraging development to take place. He explained that usually when an item is tabled that Staff and the applicant have certain issues that they need to come to an agreement on before it can be considered for approval by the Planning and Zoning Commission. Chairperson Clark stated that this item will come before the Planning and Zoning Commission again at the January 25, 2011 meeting and he would have another chance to address his concerns at that meeting if he had any. Mr. Puleo stated that he wants to make sure that progress was being made on the project and that he had seen the proposed plans on the project and they were agreeable. On a motion by Commission Member Lingenfelter, seconded by Commission Member Radke, the Commission voted 7-0 to close the public hearing and table the proposed site plan to the January 25, 2011 Planning and Zoning Commission meeting as recommended by Staff.

10-146SUP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Petsche & Associates, Inc., on Behalf of John Mathews, for Approval of a Specific Use Permit for Parcel 511, to Allow for a Private Street Development, Approximately 6.66 Acres, Located on the East Side of Ridge Road and Approximately 1,000 Feet North of Virginia Parkway.

Ms. Abra Nusser, Planner for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. Staff will re-notify for the next public hearing. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Lingenfelter, the Commission voted 7-0 to close the public hearing and table the proposed specific use permit request as recommended by Staff.

10-140Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of McKinney North Central Business Park, L.P., for a Request to Rezone Approximately 1.89 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Allow for Open Storage, Located Approximately 400 Feet East of Graves Street and Approximately 500 Feet South of Corporate Drive.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that that the applicant is requesting to rezone approximately 1.89 acres of land on the north side of a building in the McKinney North Central Business Park generally to allow for open storage. Ms. Nusser stated that the proposed rezoning request has four general components. She stated that the first is allowing the open storage use. Ms. Nusser stated that the governing planned development district prohibits open storage uses, but Staff is comfortable with allowing open storage on the subject property as proposed and feels that it will have no adverse impact on current or future development or on surrounding land uses. She stated that the second component is involves the screening of portable storage containers. Ms. Nusser stated that the Zoning Ordinance stipulates that materials, equipment, or commodities being openly stored shall be

stacked no higher than one foot below the top of the screening wall or visual barrier. She stated that the applicant is proposing that portable storage containers be allowed to be stored on the subject property, not to exceed eight feet in height, and shall be screened with a living plant screen of Nellie R. Stevens shrubs, spaced five feet on center and a minimum of three feet in height at the time of planting. Ms. Nusser stated that Nellie R. Stevens Hollies can grow up to 18 feet in height and up to 10 feet in width, providing a continuous and solid, evergreen screening device. She stated that Staff is comfortable with the proposed living screen for the portable storage containers and feels that it will not only make a positive contribution to the aesthetics of the site by providing a substantial amount of landscaping, but it will provide adequate screening of the storage area as well as the existing loading and service areas which are currently visible from Corporate Drive. Ms. Nusser stated that the third component is regarding the screening of any other open storage items besides the portable storage containers. She stated that given the appearance of the portable storage containers, Staff is comfortable with screening the portable storage containers with a living screen that will mature in time. Ms. Nusser stated that Staff has concerns that other potential materials, equipment, or commodities which may be stored on the site in the future would require a solid screening device consisting of either a masonry wall, wrought iron fence with living screen, or living screen that has reached maturity. She stated that with this component, any other items would require a continuous and solid living screen with a minimum height of seven feet or the screening device shall comply with the Screening section of the Zoning Ordinance, and as amended. Ms. Nusser stated that items other than the portable storage containers are proposed to be stacked no higher than one foot below the top of the screening wall or visual barrier as typically required by the Zoning Ordinance. She stated that the fourth and final component is regarding the zoning exhibit. Ms. Nusser stated that the proposed zoning exhibit shows current site features, proposed areas of open storage, and the proposed living screen, and the applicant is proposing that the subject property generally develop as depicted. She stated that it is important to note that the north side of the property contains required parking areas and loading spaces for the site, as well

as a fire lane and required landscape areas that cannot be utilized for the open storage area, and thus are shown on the proposed zoning exhibit in light gray. Ms. Nusser stated that the applicant is requesting the ability to utilize the light gray areas for open storage in the future if a revised site plan for McKinney North Central Business Park is submitted and approved reflecting the removal of excess parking and/or loading spaces for the existing structure based on the uses in the building at that time. She stated that Staff recommends approval of the proposed rezoning request as conditioned in the staff report. Commission Member Bush asked about the acreage of the property. He stated that the letter of intent showed the acreage as 1.4 acres and the application showed the total acreage as 1.89 acres. Ms. Nusser stated that the total acreage is 1.89 acres. She stated that was the only error on the letter of intent, so Staff did not ask the applicant to resubmit it with the revision. Mr. Jon David Cross, Cross Engineering Consultants, Inc., 106 W. Louisiana St., McKinney, TX 75069, stated that he concurred with Staff's recommendations. There were no questions or comments for the applicant. Chairperson Clark opened the public hearing and called for comments. There were none, on a motion by Vice-Chairperson Tate, seconded by Commission Member Radke, the Commission voted 7-0 to close the public hearing and recommend approval of the proposed rezoning request as conditioned in the staff report. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 1, 2011.

10-147ME Conduct a Public Hearing to Consider/Discuss/Act on the Request by CB Jeni Homes, on Behalf of Valliance Bank, for Approval of a Meritorious Exception for a Portion of The Settlement at Craig Ranch, Approximately 3.97 Acres, Generally Located on the Southwest Corner of Fort Buckner Drive and Chickasaw Trail and on the East and West Sides of Rowlett Creek Way, Between Chief Spotted Tail Drive and Kickapoo Drive.

Commission Member Eckenrode stepped down during the consideration of this time due to a possible conflict of interest.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is requesting a meritorious exception for a portion of The

Settlement at Craig Ranch. The materials were shown to the Commission Members. Ms. Nusser stated that the proposed meritorious exception covers the same six-and-a-half block area as the associated rezoning request recently considered in December (10-126Z). She stated that the meritorious exception is being requested because the proposed architectural elevations feature wood, which is not an acceptable exterior finishing material for townhomes as defined by the Zoning Ordinance, and do not meet the required minimum of 85 percent masonry covering each elevation for townhomes. Ms. Nusser stated that an architectural and site design that does not conform with the specific requirements of the Architectural and Site Standards, but which has merit by making a positive contribution to the visual environment and which is appropriate to the site and use, may be submitted for consideration as a meritorious exception. She stated that the proposed design of the townhomes utilizes a combination of stone, stucco, wood accents, and clay tile roofs. Ms. Nusser stated that although the applicant is proposing stone on each elevation, the applicant is also proposing to utilize more than 15 percent stucco on each elevation which does not comply with the minimum 85 percent masonry on required each side. She stated that the elevations also show wood accents, and wood is not an acceptable finishing material as defined by the Zoning Ordinance which stipulates that the remaining 15 percent of each side shall be wood lap siding, vinyl siding, stucco, cast concrete modular siding, or EIFS. Ms. Nusser stated that the applicant has indicated that the design of the proposed townhome buildings is a Tuscan Mediterranean style reflected by the use of the stone, stucco, dormers, and arches, with a clay tile roof and wood accents. She stated that according to the applicant, the proposed design will result in a greater variety of materials, textures, and colors in the neighborhood and that minor variations in stone and stucco color may be provided to maintain visual interest among the 13 proposed townhome buildings, utilizing a neutral, earth tone color palette for the stone and stucco finishing materials. Ms. Nusser stated that Staff feels the applicant has met the spirit and intent of the Architectural and Site Standards by designing the townhomes to have exceptional quality and appearance which can make a positive contribution to the surrounding visual environment. She stated that Staff

recommends approval of the proposed meritorious exception. Mr. Bruno Pasquinelli, President of CB Jeni Homes, 4671 Cecile, Plano, TX 75024, stated that he is requesting the approval of the proposed meritorious exception. He stated that he hired John Lively who is a local architect that has won various awards. Mr. Pasquinelli stated that they plan to build structures that complement the surrounding community. He stated that they drove around the surrounding community and took photographs which are included on the bottom of the exhibit. He stated that they came up with drawing and had an informal meeting with the residents of the surrounding community in December 2010. Mr. Pasquinelli stated that he had met with Staff since then to incorporate their suggestions. He stated that he had met with Craig Ranch to incorporate their comments and suggestions as well. Mr. Pasquinelli stated that David Craig prepared a letter approving the last elevations subject to some changes that are represented in this submittal. He stated that he concurred with Staff's recommendations. There were no questions or comments for the applicant. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Lingenfelter, the Commission voted 6-0 to close the public hearing and approve the meritorious exception as recommended by Staff. Commission Member Eckenrode abstained. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed meritorious exception.

10-148ME Conduct a Public Hearing to Consider/Discuss/Act on the Request by McKinney MOB Partners, L.P., for Approval of a Meritorious Exception for Stonebridge Pediatrics, Approximately 2.36 Acres, Located on the South Side of Virginia Parkway and Approximately 800 Feet West of Crutcher Crossing.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is requesting a meritorious exception for Stonebridge Pediatrics. Ms. Nusser stated that the meritorious exception is being requested because the proposed architectural elevations feature redwood heartwood on two walls of the northern elevation, which is not an acceptable exterior finishing

material as defined by the Zoning Ordinance, and they do not meet the required minimum of 50 percent masonry covering each exterior wall. Ms. Nusser stated that an architectural and site design that does not conform with the specific requirements of the Architectural and Site Standards, but which has merit by making a positive contribution to the visual environment and which is appropriate to the site and use, may be submitted for consideration as a meritorious exception. Ms. Nusser stated that the applicant is proposing to utilize a combination of exterior finishing materials including limestone, brick veneer, stucco, cast stone, and redwood heartwood. She stated that acceptable masonry finishing materials are brick, stone, or synthetic stone materials. Ms. Nusser stated that although the applicant is proposing several acceptable masonry finishing materials on each wall, the applicant is also proposing redwood heartwood planks on the northern side of the building. She stated that redwood heartwood is not an approved exterior finishing material as defined by the Architectural and Site Standards. Ms. Nusser stated that the applicant has indicated that the redwood heartwood planks are wood from the center or middle portion of a tree, which is the oldest part of the tree. She stated that redwood reacts to swelling and shrinkage to a minimal degree, naturally resistant to water and mildew, as compared to other woods and is less likely to split or warp. Ms. Nusser stated that Staff feels that the redwood heartwood will articulate the front entries and façade through the use of contrasting materials and textures which will add visual interest to the building, making the request meritorious. She stated that with the redwood heartwood comprising 65 percent of one of the walls on the northern elevation, the remaining masonry materials on the wall with the lowest percentage of masonry totals only 35 percent, so the applicant cannot receive any points for exterior finishing materials. Ms. Nusser stated that it should be noted that although each wall does not have the minimum 50 percent masonry, each elevation has at least 85 percent masonry—85 percent on the north, 100 percent on the east and south, and 93 percent on the west. She stated that Staff feels the applicant has met the spirit and intent of the Architectural and Site Standards by creating a building of exceptional quality and appearance. Ms. Nusser stated that the combination of limestone, brick veneer,

stucco, cast stone, and redwood heartwood finishing materials can make a positive contribution to the surrounding visual environment. She stated that Staff recommends approval of the proposed meritorious exception. Mr. Kerry Burden, Senior Vice President of PM Realty Group, 3811 Turtle Creek Blvd., Suite # 800, Dallas, TX 75219, stated that they are requesting to use a sustainable design material to accent the front of the structure to add character to the building. He stated that there are various structures around the Dallas Metroplex that have used wood to soften the hard masonry exterior of structures. Mr. Burden stated that they had taken photographs of some of the structures as examples and showed them to Staff. Commission Member Bush asked the applicant if they planned to paint or stain the wood. Mr. Burden stated that they plan to seal the wood to keep the natural beauty and color of the wood. He stated that he feels that the wood will add character to the exterior of the building and would soften the look of the exterior. He stated that they wish to make the structure a pleasant environment for the children coming to the pediatrics center. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Radke, seconded by Commission Member Bush, the Commission voted 7-0 to close the public hearing and approve the meritorious exception as recommended by Staff. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed meritorious exception.

There being no further business, Chairperson Clark declared the meeting adjourned at 7:10 p.m.

ROBERT S. CLARK, CHAIRPERSON