

**MINUTES  
CITY OF MCKINNEY, TEXAS  
PLANNING & ZONING COMMISSION  
TUESDAY, FEBRUARY 22, 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, February 22, 2011 at 6:30 p.m.

Commission Members present were Robert S. Clark, Darrell Tate, Ray Eckenrode, Sean Lingenfelter, George Bush, Jack Radke and Larry Thompson. Staff members present were Director of Planning Jennifer Cox, Assistant Director of Planning Kevin Spath, Senior Planner Michael Quint, Planner Abra Nusser, Planner Anthony Satarino, and Administrative Assistant Terri Ramey.

There were approximately 65 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 March 15, 2011, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by March 1, 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  
February 8, 2011 Planning and Zoning  
Commission Regular Meeting.**

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

Chairperson Clark began the agenda with the Regular Items.

**11-011Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kevin & Amy Ganci, on Behalf of Suzanne Groffie, for Approval of a Request to Rezone Approximately 0.64 Acres from “RD 30” - Duplex Residence District to “PD” – Planned Development District, Generally to Allow for Office Uses, Located on the Northwest Corner of Virginia Street and Valley Street.**

Ms. Abra Nusser, Planner for the City of McKinney, explained that the subject property has a two-story, historic home located within a residential zoning district and McKinney’s Historic Preservation Overlay District. She stated that it is currently operating as a bed and breakfast facility under an approved Specific Use Permit. Ms. Nusser stated that the applicant is proposing to operate a law office on the subject property which is a non-residential use and would be in the middle of a residential neighborhood, surrounded by residential homes. She stated that a non-residential use in the middle of a residential district is not in conformance with the stated intent of the governing residential zoning district or McKinney’s Comprehensive Plan. Ms. Nusser stated that the request is also in direct conflict with McKinney’s Town Center Study which states that the Transition Zone from downtown commercial to residential uses should happen farther east in order to contain commercial uses within the downtown core. She stated that to keep the historic and residential character of the house and neighborhood, Staff feels that the subject property should remain residential and recommends denial of the proposed rezoning request due to nonconformance with McKinney’s Comprehensive Plan and Town Center Study.

Ms. Amy Ganci, 453 Terry Lane, Heath, TX 75032, explained the submittal. She discussed some of the issues with the property. Ms. Ganci stated that they had redone three historic homes in the Lake Wood area of Dallas, Texas, so she understands the attention and detail that people put into such properties. Ms. Ganci briefly discussed their law firm. She stated that she believes with the current economy and this property that this zoning request is reasonable. Ms. Ganci stated that they plan to be very active members of the community, and she did not feel it did anyone any good for a property to sit vacant and foreclosed. Ms. Ganci stated that such a property would deteriorate a neighborhood and

affect property values. She stated that she felt it is very hard for people with children and pets to maintain homes on these streets. Ms. Ganci also discussed possible high utility bills on older homes within the historic district. Ms. Ganci stated that this property has been for sale for approximately two years. She stated that the property owners might have to walk away from the property if they do not purchase it from them. Ms. Ganci discussed some of the businesses located on Benge Street and the reasons that they liked the property for their law office. She stated that they had been asked why they did not occupy the house as a residence and use home occupation to have their business at the location as well. Ms. Ganci stated that there would be advertising issues with the home occupation and stated that would not work for them. Ms. Ganci stated that they wanted to operate a legitimate business at this location. She stated that in rough economies it behooves a historic community to consider mixed uses and passive mixed use that does not detract from the neighborhood. Ms. Ganci stated that this property needs a new roof and additional insulation. She stated that it is a lovely home that they could operate and not have a negative impact of the neighborhood. Ms. Ganci stated that some of the neighbors had asked what would happen if they receive the zoning change, operate their business, and then decide to sell the property a few years down the road to a business that the neighbors do not wish to have there. Ms. Ganci stated she was not able to answer that question. She stated that she had discussed the question with Mayor Brian Loughmiller. Ms. Ganci stated that he had questioned why they could not have a specific use permit to operate their business at this location. Commission Member Eckenrode asked Staff to address the Specific Use Permit versus getting the property rezoned. Ms. Jennifer Cox, Director of Planning, stated that the Zoning Ordinance specifically indicates which uses are allowed in certain districts. She stated that a specific use permit does not allow any use in any district. Ms. Cox stated that the use of a law office is not allowed by specific use permit or by right within the RD-30 zoning district, so they would have to rezone to allow the additional office use.

Chairperson Clark opened the public hearing and called for comments.

Ms. Lori Breeze, 511 W. Virginia Street, McKinney, TX 75069, spoke in opposition to the request and stated that they just purchased their home yesterday across the street from the subject property. Ms. Breeze stated that they liked the neighborhood due to the character and that it is surrounded by old homes, not businesses. She stated that she felt the homeowners were having issues selling the bed-and-breakfast due to the changes made to the structure that closed off bedrooms to the main house. Ms. Breeze stated that if the subject property becomes a law office, then she felt other surrounding properties would later change over to commercial uses as well. She felt that the surrounding residents would have problems selling their houses if this happens and this change would take away the reasons that they purchased a home in McKinney.

Mr. Jim Wilson, 418 W. Louisiana Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments, but also added that he has three children, that they have pets, and that they love living in the neighborhood.

Dr. Fredda Perkins, 523 W. Hunt Street, McKinney, TX 75069, spoke in opposition to the request and stated that she agreed with previous comments. She stated that she was extremely offended by Ms. Ganci's suggestion that houses west of Benge Street were not suited for families and that they could not be well maintained. Dr. Perkins stated that she felt that this request is an example of spot zoning. She stated that this rezoning request could set the stage for a domino effect for changes in zoning of the surrounding properties from residential use to some higher use.

Mr. Tim Hogan, 509 N. Church Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments. He discussed some of the issues that they face with having a doctor practicing out of a property in their neighborhood which would be similar to the proposed office use.

Mr. Bob Smith, 506 N. Church Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments. He stated that moving to a commercial environment is slowly eroding the residential historic district and the value of the houses.

Mr. Jeremiah Hammer, 502 N. College Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments. He stated that he felt it was setting a legal precedent that they could do whatever they want and spot zone properties. Mr. Hammer mentioned that Ms. Ganci did not make any commitment what their intended use is for the property in the future.

Mr. Bill Bowler, 519 W. Hunt Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments. He questioned why the applicant did not look at other available commercial property in McKinney for their law practice.

Mr. Neal Ator, 512 W. Virginia Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments.

Mr. Bill Kent, 302 N. Church Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments.

Mr. Ken Walters, 515 W. Hunt Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments but also added that they live immediately behind the subject property. Mr. Walters stated that the back of the property has a garden, gazebo, and other visual amenities for the bed-and-breakfast. Mr. Walters questioned how that part of the property would be used if it was changed over to an office use.

Ms. Margaret Harsch, 513 Heard Street, McKinney, TX 75069, spoke in opposition to the request and stated that she agreed with previous comments but also added that she feels for the Greggs' situation.

Mr. Clint Scofield, 1502 W. Virginia Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments. He stated that he felt a commercial use in residential historic district takes away from the historic feeling that the town was initially trying to accomplish.

Dr. Dan Perkins, 523 W. Hunt Street, McKinney, TX 75069, spoke in opposition to the request and stated that he agreed with previous comments. He stated that this rezoning request constitutes spot zoning, it is not in keeping with the historic district, it is not compatible with the neighborhood, and he felt the asking price of the property might need to be adjusted to help it sell.

Mr. Jim Gregg, 504 W. Virginia Street, McKinney, TX 75069, spoke in favor to the request. He felt that a specific use permit would address some of the neighbors' concerns. Mr. Gregg stated that the Gancis' plan is to use the property as their law office and was not planning on changing the exterior of the house. He explained how much they had spent upgrading and trying to keep the property maintained in the bad economy. Mr. Gregg explained that due to financial reasons, that they could no longer keep the property. He stated that if the property sits vacant for months that it would affect the surrounding property values. Mr. Gregg stated that he did not believe that the law office use would affect the property values of the surround properties. He stated that he did not feel that this one rezoning request would set a precedent.

Ms. Sue Groffie-Gregg, 504 W. Virginia Street, McKinney, TX 75069, spoke in favor to the request. She stated that she did not feel what the Gancis were proposing was anything more intrusive than the bed and breakfast facility they are currently operating on property. Ms. Groffie-Gregg stated that the external entrances are not conducive to families living at this property as a residential use.

The following people turned in a Speaker's Cards in opposition to the rezoning request but did not speak during the meeting:

Sean White, 612 W. Virginia Street, McKinney, TX 75069

Mary Capps, 308 N. Church Street, McKinney, TX 75069

Diane Craig, 309 N. Benge Street, McKinney, TX 75069

Pattie Bowler, 519 W. Hunt Street, McKinney, TX 75069

Nita Thedford, 505 W. Hunt Street, McKinney, TX 75069

The following person turned in a Speaker's Cards in favor of the zoning request but did not speak during the meeting:

Kevin Ganci, 453 Terry Lane, Heath, TX 75032

On a motion by Commission Member Thompson, seconded by Commission Member Bush, the Commission voted 7-0 to close the public hearing.

Commission Member Bush stated that if the property was adjacent to another commercial property then he would feel the proposal had more validity. He stated that given that there are three residents between the Lone Star Gas

building and this property, he agrees that it would be spot zoning. Commission Member Bush stated that he felt that it would be an improper use of the property.

On a motion by Commission Member Bush, seconded by Commission Member Lingenfelter, the Commission voted 7-0 to recommend denial of the proposed rezoning request as recommended by Staff.

Chairperson Clark stated that the recommendation of denial by the Planning and Zoning Commission will be forwarded to the City Council meeting on March 15, 2011.

**10-118Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Standard Pacific of Texas, Inc, on Behalf of Standard Pacific of Texas, Inc. and Coit/Plano Parkway, J.V., for Approval of a Request to Rezone Approximately 83.29 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 for Single Family Residential Uses and to Modify the Development Standards, Located on the East Side of Alma Road and on the North Side of Silverado Trail.**

Ms. Abra Nusser, Planner for the City of McKinney, explained that the applicant is proposing 354 single-family residential lots on a property currently zoned for office and single family residential uses in the REC. She stated that the subject property is part of a larger development which provides a mixture of multi-family, commercial, office, single family residential, and open space uses. Ms. Nusser stated that the applicant reached a compromise with Staff this morning to provide a porch requirement with a minimum 10 feet of depth on all of the 50-foot by 110-foot lots, coupled with a minimum 10-foot offset from the front façade of the building or porch to the front face of the garage door for each unit on the subject property. She stated that the 62-foot by 115-foot lots will remain proposed as detailed in the staff report. Ms. Nusser stated that Staff is comfortable with the proposed garage façade offsets with the modification as stated. She stated that the rezoning request proposes to replace 17.45 acres of existing office zoning with single family residential zoning. Ms. Nusser stated that the REC encourages a mixture of uses and housing types in close proximity

to one another to create an urban design which facilitates the compatibility of different uses. She stated that the request also proposes a dead-end street, which reduces pedestrian and vehicular connectivity as mandated by the REC. Ms. Nusser stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance to the REC which seeks to provide fully integrated pedestrian-oriented neighborhoods, corridors, and districts by providing, among other components, shopping, recreation, and basic neighborhood services which are accessible by non-vehicular means to neighboring residents.

Mr. Randy Hullett with Abernathy, Roeder, Boyd & Joplin, P.C., 1700 Redbud Blvd., Suite # 300, McKinney, TX 75069, stated that Standard Pacific of Texas, Inc. is a leading home building in the Dallas-Fort Worth area. He stated that Standard Pacific of Texas, Inc. does not build homes in the entry level home market or compete with the volume builders that build entry level homes. Mr. Hullett stated that their business is in building homes for the move-up buyer with a strong emphasis on amenities and high quality features in their homes. He stated that the average price of a Standard Pacific of Texas, Inc. home is approximately \$270,000. Mr. Hullett stated that the subject property is part of a larger development. He stated that the approximately 30-acre parcel at the corner of Alma Road and Silverado Trail is also part of this larger development. Mr. Hullett stated that approximately 15 of those acres located on the corner of Alma Road and Silverado Trail are zoned commercial and that this acreage is not a part of this application. He stated that approximately 15 acres to the east of that property is under contract with the Frisco Independent School District for an elementary school. Mr. Hullett stated that elementary school site is currently multi-family zoning. He stated that building a school on that property will reduce the overall density of the whole development. Mr. Hullett stated that they are in agreement with Staff regarding the offset on the 50-foot lots. He stated that all but 17 acres of the subject property is already zoned single-family. Mr. Hullett stated that they are asking for the remaining 17 acres on Alma Road be rezoned from office to single-family. He stated that the suitability of the site for office is hindered by a number of factors. Mr. Hullett stated that Alma Road does not get



the volume of traffic that other arterial roads in the area have because of the realignment of McKinney Ranch Parkway to the south. He stated that this part of Alma Road will be a four-lane road, instead of a six-lane road and terminates just to the north of this site at Stonebridge Drive. Mr. Hullett stated that this site is less than two miles from the Sam Rayburn Tollway. He stated that the Sam Rayburn Tollway is rapidly developing as a major commercial corridor in our area which has a number of undeveloped office sites that he felt were much more prime locations than this site for office. Mr. Hullett stated that there are 26 arterial intersections within a three mile radius of this site shown on the McKinney and Frisco Future Land Use Plans to be developed as commercial sites that would include office. He stated that each of those intersections would have a much higher traffic count and will most likely develop sooner than this site. Mr. Hullett stated that the subject property is a mid-block site which will probably not develop for many years. He discussed the issue with the dead-end street proposed on the subject property. Mr. Hullett stated that this proposed street only involves nine lots out of the 354 proposed lots. He stated that he would refer to the proposed street as a looped road that has a 50 foot median divider that runs the length of the street to the southern intersection. Mr. Hullett stated that this will serve as a gathering space for the neighbors on the street. He stated that it may not meet the REC guidelines; however, he felt that the configuration of this street meets the spirit of the REC guidelines as a gathering spot for the neighbors.

Chairperson Clark opened the Public Hearing and called for comments. There were none.

Commission Member Eckenrode stated that he felt City Council should be reviewing this issue in regards to whether this parcel should follow the Regional Employment Center guidelines.

On a motion by Vice-Chairperson Tate, seconded by Commission Member Bush, the Commission voted 7-0 to close the public hearing and recommend approval of the proposed rezoning request as the applicant requested with the compromise as stated by Staff on the garage façade offset.

Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 15, 2011.

**11-010Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Gurpal Singh, for Approval of a Request to Rezone Approximately 1.01 Acres from "AG" – Agriculture District to "BG" – General Business District, Located on the South Side of U.S. Highway 380 (University Drive) and Approximately 2,200 Feet West of Bridgefarmer Road.**

Mr. Anthony Satarino, Planner for the City of McKinney, explained that the applicant is proposing to change the zoning of the subject property from Agricultural to General Business. He stated that the applicant has not indicated any proposed uses or development plans for the subject property and the property is currently unplatted. Mr. Satarino stated that the adjacent northern property is located within McKinney's ETJ and is used for warehousing purposes. He stated that the adjacent southern property is vacant and has agricultural zoning. Mr. Satarino stated that the properties to the east and west of the subject property are used as single family residences. He stated that the existing Zoning Ordinance regulations should minimize the potential negative impacts of a future non-residential use on the properties east and west of the subject property. These regulations include screening devices, a landscape buffer of a least ten feet in width and trees planted along the common property line. Mr. Satarino stated that the Comprehensive Plan states that Staff should make assessments and recommendations based on the anticipated uses expected in the long term for tracts that are developing within areas of minimal development. He stated that commercial uses are appropriate for the subject property being located along US Highway 380. Mr. Satarino stated that the proposed rezoning request should be considered within the context of the entire City and the Comprehensive Plan as a whole. He stated that given these criteria, Staff feels that the proposed development is compatible with the expected development in McKinney's eastern sector. Mr. Satarino stated that Staff recommends approval of the proposed rezoning request.

Mr. Gurpal Singh, 8013 Springfire Drive, Plano, TX 75025, explained the submittal. He stated that they are planning to develop the land per the McKinney's master plan.

Chairperson Clark opened the Public Hearing and called for comments.

Mr. David Bugno, 3664 E. University Drive, McKinney, TX 75069, spoke in opposition to the request citing concerns with developing this property into a commercial use. He stated that the property across the street has been rezoned from Agriculture to General Business and that there are huge amounts of vacant property there. Mr. Bugno stated that he felt there is plenty of opportunity across the highway for commercial use. He stated that they had lived there for about 17 years. Mr. Bugno stated that they were recently annexed into McKinney. He had some questions about City provided utilities to this newly annexed area. Mr. Michael Quint answered his questions. Mr. Bugno questioned how the rezoning would affect the surrounding property values. Mr. Quint stated that McKinney's Comprehensive Plan tasked Staff to look at the long term vision. He stated that the Comprehensive Plan ultimately calls for this area to be Industrial, Non-Residential use. Mr. Quint stated that once all of the properties become comparable that the property values would level out.

Mr. Brian Stehling, 3750 E. University Drive, McKinney, TX 75069, spoke in opposition to the request citing the same concerns as Mr. Bugno. Mr. Michael Quint addressed Mr. Stehling's concerns about City services.

Mr. Leon Green, 3712 E. University Drive, McKinney, TX 75069, spoke in opposition to the request citing the same concerns as Mr. Bugno.

On a motion by Commission Member Radke, seconded by Commission Member Thompson, the Commission voted 7-0 to close the public hearing.

Commission Member Bush stated that he saw the subject property and the surrounding residential properties. He stated that he felt the neighbors would have some concerns over the rezoning of this property. Commission Member Bush stated that he believes that over time all of these properties would be worth more money due to Commercial zoning.

Chairperson Clark asked Staff to discuss long term use of those properties and future plans for the properties along Highway 380. Mr. Michael Quint stated

that this whole area is within a Module called Industrial Module which allows a wide variety of Retail, Office, Industrial, etc. uses. He stated that the Future Land Use Plan calls for this area to be Airport Industrial uses, which are high intensity uses. Mr. Quint stated that Staff feels the proposed use is within the Comprehensive Plan's long term vision. He stated that Mr. Satarino outlined what the Zoning Ordinance currently has in place to protect the adjacent residences from non-resident uses.

Commission Member Thompson asked the applicant what the commercial plans are to develop this property. Mr. Gurpal Singh stated that he has investors that want to develop the property and that he is not clear on what they wish to build.

On a motion by Commission Member Eckenrode, seconded by Vice-Chairperson Tate, the Commission voted 5-2 to recommend approval of the proposed rezoning request as conditioned in the staff report. Commission Members Bush and Thompson dissented.

Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 15, 2011.

**08-257PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by Phillip L. Smith, on Behalf of North Collin County Habitat for Humanity, for Approval of a Preliminary-Final Replat for Lots 1, 2 and 3, Block A, of the Rockwall-Lindsey Addition, Approximately 0.53 Acres, Located on the East Side of Rockwall Street and Approximately 100 Feet North of Gerrish Street.**

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

Ms. Abra Nusser, Planner for the City of McKinney, stated that the applicant is proposing a preliminary-final replat to subdivide two lots into three buildable lots. She stated that the applicant has indicated that a single family residential home will be constructed on each of the three lots. Ms. Nusser stated that the proposed lots comply with the governing zoning district, and Staff is recommending four conditions of approval which are minor and are not layout-

changing. She stated that Staff recommends approval of the proposed preliminary-final replat with the conditions listed in the Staff Report.

The applicant was not present to make a presentation to the Planning and Zoning Commission.

Chairperson Clark opened the Public Hearing and called for comments.

Mimi Matlock, 1000 Lindsey Street, McKinney, TX 75069, asked about the subdivision of the two lots. Ms. Nusser explained the proposed subdivision of the lots and provided clarification of the existing lot configuration.

On a motion by Commission Member Radke, seconded by Commission Member Lingenfelter, the Commission voted 7-0 to close the public hearing and approve the proposed preliminary-final replat as conditioned in the staff report. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final replat.

**11-004PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by Geer Surveying & Engineering, on Behalf of Emigdio Raymundo, for Approval of a Preliminary-Final Replat for Lot 1, Block A, of the Louisiana Street Grill Addition, Approximately 0.86 Acres, Located on the South Side of Louisiana Street and Approximately 300 Feet East of McDonald Street.**

Ms. Abra Nusser, Planner for the City of McKinney, stated that the applicant is proposing a preliminary-final replat to create one lot from approximately 0.86 acres. She stated that an associated site plan has been submitted for the subject property (11-006SP) which reflects furniture manufacturing and restaurant uses and is the next item on the agenda. Ms. Nusser stated that the proposed lot complies with the governing zoning district, and Staff is recommending only the standard conditions checklist as a condition of approval. She stated that Staff recommends approval of the proposed preliminary-final replat with the condition listed in the Staff Report.

Bruce Geer, Geer Surveying & Engineering, 1514 N. McDonald Street, McKinney, TX 75069, offered to answer any questions that the Planning and Zoning Commission had on this request. There were none.

Chairperson Clark opened the Public Hearing and called for comments. There were none, so on a motion by Commission Member Lingenfelter, seconded by Commission Member Thompson, the Commission voted 7-0 to close the public hearing and approve the proposed preliminary-final replat as conditioned in the staff report. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final replat.

**11-006SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Geer Surveying & Engineering, on Behalf of Emigdio Raymundo, for Approval of a Site Plan for a Restaurant and Furniture Manufacturing Building, Approximately 0.86 Acres, Located on the South Side of Louisiana Street and Approximately 150 Feet East of Wilcox Street.**

Ms. Abra Nusser, Planner for the City of McKinney, stated that the applicant is proposing to convert an existing building being utilized for furniture manufacturing uses into a building that maintains the existing furniture manufacturing use in the back part of the building and would have a new restaurant use in the front part of the building located off of Louisiana Street. She stated that the proposed site plan shows one direct access point from Louisiana Street and a new parking lot. Ms. Nusser stated that Staff is recommending five conditions of approval, the first one being the standard conditions checklist. She stated that the second condition is for a variance for a reduction in required landscape buffer along Louisiana Street from 20 feet to 10 feet. Ms. Nusser stated that Staff feels that the proposed reduction in landscape buffer satisfies the intent of the Zoning Ordinance and that unique site circumstances exist. She stated that Staff recommends the applicant receive approval of the requested reduction variance. Ms. Nusser stated that the third condition is for a variance for the proposed loading space to be approximately 50 feet from the building. She stated that if the loading space were to be located any closer to the building, it would likely reduce functionality and accessibility of both the loading space and the dumpster enclosure. Ms. Nusser stated that Staff recommends the applicant receive approval of the requested loading space variance. She stated that the fourth condition should be revised to reflect executing the associated sidewalk license

agreement for the outdoor dining area within the public right-of-way, instead of filing it, subject to the review and approval of the Director of Planning. Ms. Nusser stated that the fifth condition is regarding light poles on the property and the applicant is in agreement with that condition. She stated that Staff recommends approval of the proposed site plan with the conditions listed in the Staff Report.

Bruce Geer, Geer Surveying & Engineering, 1514 N. McDonald Street, McKinney, TX 75069, stated that he was in agreement with the Staff Report.

Chairperson Clark opened the Public Hearing and called for comments. There were none, so on a motion by Commission Member Lingenfelter, seconded by Commission Member Radke, the Commission voted 7-0 to close the public hearing and approve 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.

There being no further business, Chairperson Clark declared the meeting adjourned at 8:00 p.m.

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ROBERT S. CLARK, CHAIRPERSON