

## PLANNING AND ZONING COMMISSION

JANUARY 14, 2014

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, January 14, 2014 at 6:00 p.m.

Commission Members Present: Chairman Rick Franklin, Vice-Chairman George Bush, Jim Gilmore, Matt Hilton, David Kochalka, Michael Osuna, and Larry Thompson

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

There were approximately 20 guests present.

Chairman Franklin called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairman Franklin 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 would be forwarded on to City Council. Chairman Franklin stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. He requested that applicants and Staff limit their remarks to ten minutes each and that guests limit their remarks to five minutes and speak only once. Chairman Franklin explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking the issues.

Chairman Franklin continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Commission Member Thompson, seconded by Commission Member Gilmore, to approve the following amended Consent Item, with a vote of 7-0-0.

**14-035 Minutes of the Planning and Zoning Commission  
Regular Meeting of December 10, 2013**

**END OF CONSENT**

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

**13-154Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of McKinney Housing Authority, for Approval of a Request to Rezone Fewer than 6 Acres from "BG" - General Business District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the East Side of McDonald Street (State Highway 5) and on the North Side of McMakin Street (REQUEST TO BE TABLED)**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled until the January 28, 2014 Planning and Zoning Commission meeting due to public hearing notification signs not being posted on the subject property by the applicant in the timeframe required by the Zoning Ordinance.

Chairman Franklin opened the public hearing and called for comments.

Dr. Stella Uribe, 8416 Sonnet Dr., McKinney, TX, spoke in favor of the request and explained why she felt affordable housing was important for McKinney.

On a motion by Vice-Chairman Bush, seconded by Commission Member Kochalka, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request as recommended by Staff, with a vote of 7-0-0.

**13-164Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates. L.L.C., on Behalf of Prime Income Management, for Approval of a Request to Rezone Fewer than 70 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, Tract 1 is Located on the Southwest Corner of McKinney Ranch Parkway and Ridge Road, Tract 2 is Located on the Northwest Corner of McKinney Ranch Parkway and Stacy Road, Tract 3 is Located on the Southeast Corner of McKinney Ranch Parkway and Stacy Road and Tract 4 is Located on the Southeast Corner of McKinney Ranch Parkway and Ridge Road (REQUEST TO BE TABLED)**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled until the January 28, 2014 Planning and Zoning Commission meeting due to public hearing notification signs not being posted on the subject property by the applicant in the timeframe required by the Zoning Ordinance.

Chairman Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Thompson, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request as recommended by Staff, with a vote of 7-0-0.

**13-262Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Texas North Residential, L.L.C., on Behalf of RHC/Teek, Ltd., and Builders Carpet, for Approval of a Request to Rezone Fewer than 12 Acres from "PD" - Planned Development District to "RG 27" - General Residence Townhome District, Located Approximately 1,180 Feet South of Eldorado Parkway and on the West Side of Alma Road**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request.

Mr. Bob Roeder; Abernathy, Roeder, Boyd and Joplin, P.C.; 1700 Redbud # 300; McKinney, TX; concurred with the staff report. He stated that there were a lot of surrounding neighbors who submitted letters of support for this request.

Vice-Chairman Bush asked if the 1.663 acre tract, listed in the Applicant's Letter of Intent, was to the west of the current building. Mr. Roeder said yes.

Chairman Franklin opened the public hearing and called for comments.

The following people spoke in favor of the proposed rezoning request. These residents felt this rezoning request was more appropriate next to their neighborhood, would help with their home values, and would not have as many safety issues.

- Mr. Joseph Pagoria, 7712 Copper Mountain Ln., McKinney, TX
- Mr. Joshua Bailey, 3201 Mile High Ln., McKinney, TX
- Cody Manning, 7700 Copper Mountain Ln., McKinney, TX

On a motion by Commission Member Hilton, seconded by Commission Member Osuna, the Commission voted unanimously to close the public hearing and recommend approval of the proposed rezoning request as recommended by staff, with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 4, 2014.

Chairman Franklin stepped down during the consideration of item # 13-115SP2, due to a possible conflict of interest.

**13-115SP2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development, Inc., on Behalf of LF Development Partners, L.P., for Approval of a Site Plan for Pinnacle Eye Associates Clinic, Being Fewer than 2 Acres, Located on the East Side of Lake Forest Drive and Approximately 1,300 Feet South of U.S. Highway 380 (University Drive)**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed site plan. He stated that the applicant had requested approval of an alternate screening device and had provide two potential options (Option 1: Evergreen living screen consisting of a mix of trees/shrubs with a staggered alignment; Option 2: Evergreen living screen consisting of a mix of trees/shrubs in a solid linear alignment) with which Staff has some concerns, generally regarding a lack of consistency with the adjacent screening device. Mr. Duong explained that the applicant preferred Option 1; however, Staff recommended approving Option 2. He stated that Staff recommends approval of the proposed site plan as conditioned in the staff report.

Mr. Don Hodges, Cymcor, Inc., 2100 Cotton Mill Dr., McKinney, TX, explained the proposed site plan request.

Vice-Chairman Bush expressed concerns over the landscaping not being adequate enough with Option 1.

Commission Member Kochalka had questions about the differences between the two options and the existing vegetation. Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the differences.

Vice-Chairman Bush opened the public hearing and called for comments.

Mr. Rhett Dollins, Pogue Engineering & Development Company, Inc., 1512 Bray Central Dr., Suite 100, McKinney, TX, explained the proposed site plan request and why they preferred Option 1. Mr. Dollins stated that Mr. David Craig had been in contact with the adjacent homeowners regarding this rezoning request.

Commission Member Thompson asked about the differences between the two landscaping options. Mr. Duong explained the differences in the location and spacing of the proposed landscaping of both options.

On a motion by Commission Member Kochalka, seconded by Commission Member Thompson, the Commission voted to close the public hearing and approve the proposed site plan request with Option 1 as requested by the applicant, with a vote of 6-0-1. Chairman Franklin abstained.

Chairman Franklin returned to the meeting.

**13-249ME Conduct a Public Hearing to Consider/Discuss/Act on the Request by Icon Consulting Engineers, on Behalf of Aslam Real Estate, L.L.C., for Approval of a Meritorious Exception for a Jack in the Box Restaurant, Being Less than 1 Acre, Located on the West Side of Tennessee Street and Approximately 400 Feet North of Eldorado Parkway**

Samantha Gleinser, Planner for the City of McKinney, explained the proposed meritorious exception. She stated that Staff recommends denial of the proposed meritorious exception request due to the lack of masonry exterior finishing materials used in the construction of the building.

Commission Member Kochalka asked if Staff and the applicant had tried to work out the exterior masonry requirement issue. Ms. Gleinser said yes.

Vice-Chairman Bush asked about the proposed masonry percentages. Ms. Gleinser explained that each exterior wall was considered individually and that not all of the walls met the requirement.

Commission Member Gilmore asked if these were corporate designs. Ms. Gleinser suggested that the applicant answer this question.

Mr. David Gregory, Icon Consulting Engineers, 250 W. Southlake Blvd., # 117, Southlake, TX, explained the meritorious exception request and why he felt this request should be recommended for approval. Mr. Gregory stated that Jack in the Box, Inc. had made some minor changes to the proposed designs and he distributed new drawings to the Commission and Staff to consider.

Mr. Brad Phipps, Jack in the Box, Inc., 9330 Balboa Ave., San Diego, CA, explained the meritorious exception request. He stated that the overall exterior of the building was just over 50% masonry. Mr. Phipps stated that this was a new prototype building and explained the history behind coming up with this design and materials used. He stated that the proposed drawings were designed by the Architectural Department of Jack in the Box, Inc. Mr. Phipps stated that if this new design was built in McKinney

that their corporate staff and future franchisees would be visiting the site. He stated that they hope to keep the building as close to the prototype as possible.

Commission Member Osuna asked if HardiPlank had been considered instead of using stucco. Mr. Phipps felt that HardiPlank would have limited colors and might be more difficult to work with versus stucco. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that stucco was on the approved secondary materials list; however, HardiPlank was not listed as an approved exterior material for commercial buildings.

Commission Member Thompson asked to clarify that Staff's concerns were over the amount of stucco being proposed. Ms. Gleinser said yes.

Chairperson Franklin opened the public hearing and called for comments.

Ms. Anne Davidson, 1515 S. McDonald St., McKinney, TX, spoke in favor of the new prototype Jack in the Box at this location. She felt it would create more traffic to the area. Ms. Davidson expressed concerns about the proposed drive-thru not protecting the customers against the rain.

The Commission unanimously approved the motion by Commission Member Thompson, seconded by Commission Member Gilmore, to close the public hearing, with a vote of 7-0-0.

Vice-Chairman Bush stated that he was in favor of the request.

Commission Member Gilmore asked if Staff felt the steel drive-thru was appropriate. Mr. Michael Quint, Director of Planning for the City of McKinney, stated yes.

The Commission unanimously approved the motion by Vice-Chairman Bush, seconded by Commission Member Thompson, to approve the meritorious exception as requested by the applicant with the revised drawings that were submitted at the meeting, with a vote of 7-0-0.

Chairperson Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed meritorious exception.

**13-159SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Rockbrook Development, L.L.C., on Behalf of AB Moving, for Approval of a Site Plan for a Multi-Family Development, Being Less than 1 Acres, Located on the Northeast Corner of North Chestnut**

**Street and East Logan 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 and design exception as conditioned in the staff report.

Mr. Ron Lustig, Bungalow Company, 733 Creek Valley Ct., Allen, TX, concurred with the staff report.

Chairman Franklin asked about the price range for this development. Mr. Lustig explained that they are intended as rental units.

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

Chairman Franklin stated that the Planning and Zoning Commission was the final approval authority for the proposed site plan.

**13-230Z3 Conduct a Public Hearing to Consider/Discuss/Act on the Request by City of McKinney, McKinney Economic Development Corporation and McKinney Community Development Corporation, for Approval of a Request to Rezone Fewer than 68 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards and Allowed Land Uses, Located on the Southwest Corner of Marketplace Drive and Medical Center Drive**

Mr. Michael Quint, Director of Planning for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted unanimously to close the public hearing and recommend approval of the proposed rezoning request as conditioned by staff, with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 4, 2014.

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

Mr. Quint briefly discussed the Focus North Texas Planning Symposium on Friday, January 24, 2014.

Chairman Franklin declared the meeting adjourned at 6:50 p.m.

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RICK FRANKLIN  
Chairman