

**MINUTES
CITY OF MCKINNEY, TEXAS
PLANNING & ZONING COMMISSION
TUESDAY, OCTOBER 12, 2010
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, October 12, 2010 at 6:30 p.m.

Commission Members present were Robert S. Clark, Darrell Tate, Sean Lingenfelter, Jack Radke, George Bush, Ray Eckenrode, and Larry Thompson. Council Member present was Travis Ussery. Staff members present were Director of Planning Jennifer Cox, Senior Planners Brandon Opiela, Michael Quint, Planner Abra Nusser, Planning Technician Alex Glushko and Administrative Assistant Blanca Garcia.

There were 59 guests present.

An election was held for the Planning and Zoning Commission Chairperson. On a motion by Commission Member Darrell Tate seconded by Commission Member Sean Lingenfelter, Robert S. Clark was elected Chairperson by unanimous vote. An election was also held for the Planning and Zoning Commission Vice-Chairperson position. Larry Thompson nominated Sean Lingenfelter for the Vice-Chairperson position, but the motion failed due to lack of a second motion. On a motion by Commission Member Jack Radke, seconded by Commission Member George Bush, Darrell Tate was elected Vice-Chairperson by unanimous vote.

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 November 2, 2010, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by October 14, 2010. 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
September 28, 2010 Planning and Zoning
Commission Regular Meeting.**

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

Chairperson Clark began the agenda with the Regular Items.

10-098Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by SB Harbor Market, J.V., for Approval of a Request to Rezone Approximately 35.15 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Virginia Parkway and Stonebridge Drive.

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

Mr. Michael Quint, Senior Planner for the City of McKinney, gave the staff report and stated that the applicant is requesting to rezone the subject property from "PD" – Planned Development District to "PD" – Planned Development District. He discussed changes including, but not limited to additional signage, increasing the number of allowed residential units, and increased maximum building heights. Vice-Chairperson Tate asked if the possible increase of traffic due to the proposed changes was taken into consideration. Mr. Quint answered yes and stated that Staff has met with the Engineering Department about the infrastructure impact and stated that the Engineering Department is fine with proposal as the adjacent roadways have the capacity to accommodate the increase in traffic. Chairperson Clark stated that the building height increase was discussed for the areas of Highway 75, Highway 121 and Highway 380, and asked why Staff believed that the subject property is an appropriate place for the proposed building height. Mr. Quint stated that in order to make the Town Center truly authentic, the increased building height is almost considered

necessary. He stated that the parking garage is five stories in height and three story buildings are currently allowed so in order add character and for ornamentation purposes, buildings may need to have additional levels added. Mr. Quint also stated that only twenty percent of each proposed building would be allowed to increase the height. Mr. Quint stated that currently in the existing Planned Development District Ordinance for the subject property, the applicant is allowed to request height increases as part of site plan approval to City Council. He stated that if the applicant's rezoning request was denied the applicant would still have a venue to go ahead and seek out the increased building height. Vice-Chairperson Tate stated with the proposed increase of residential units would cause an increase in traffic. Mr. Quint stated that he understood Vice-Chairperson Tate's point, but the Engineering Department has reviewed the proposal and does not feel that traffic would be a burdensome on the infrastructure in the area. Mr. Jeff Blackard, 401 Adriatica Parkway, McKinney, Texas, presented slides which helped him explain the proposed rezoning request. Chairperson Clark asked what the current plan is prior to the changes. Mr. Blackard stated with the current Planned Development District Ordinance he could do about anything. He spoke about negative emails he received, adding age restricted units, height restrictions, and pedestrian bridges. Chairperson Clark asked if the applicant did not construct the 140 additional units, what the applicant would develop. Mr. Blackard stated that the property would stay vacant. Chairperson Clark asked what the initial proposed development for that particular area was. Mr. Blackard stated that he had planned to build the development in phases. Chairperson Clark asked how the applicant would address concerns about residents that purchased their homes knowing that a certain development would be built only to have it altered later. Mr. Blackard stated that there are 13 houses in Adriatica, which he has met with all of the neighbors and they are in agreement with his proposed changes. Chairperson Clark opened the public hearing and called for comments.

The following people spoke in opposition of the proposed rezoning request:

Raj Bhargava, 533 Sea Side Lane, McKinney, Texas

Allen McCormick, 6301 Avalon Woods Drive, McKinney, Texas

Ronald Gossling, 821 Creekline Way, McKinney, Texas

Namie Poppens, 821 Creekline Way, McKinney, Texas, did not wish to speak but wanted her opposition of the proposed rezoning request to be recorded.

The following people spoke in favor of the proposed rezoning request:

Dee Unkenholz, 2401 Bentley Court, McKinney, Texas

Dan Hoff, 306 Fallen Leaf Lane, McKinney, Texas

On a motion by Commission Member Lingenfelter, seconded by Commission Member Radke, the Commission voted 6-0 to close the public hearing. On a motion by Commission Member Bush, seconded by Commission Member Thompson, the Commission voted 2-4 to recommend approval of the proposed rezoning request as conditioned in the staff report. Commission Members that voted against the recommendation request were, Robert Clark, Darrell Tate, Sean Lingenfelter, and Jack Radke. On a motion by Vice-Chairperson Tate, seconded by Commission Member Radke, the Commission voted 4-2 to recommend denial of the proposed rezoning request. Commission Members that voted against the recommendation were, George Bush and Larry Thompson. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council for action on November 2, 2010.

10-082SUP/SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by O'Reilly Automotive, Inc., for Approval of a Specific Use Permit and Site Plan for an Indoor Automotive Parts Sales Building (O'Reilly Auto Parts), Approximately 0.78 Acres, Located on the West Side of Custer Road and Approximately 900 Feet North of Virginia Parkway.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is requesting a specific use permit on the subject property for an indoor auto parts sales use, O'Reilly Auto Parts. She stated that there are existing single family residential uses adjacent to the subject property on its north and west sides. Ms. Nusser stated that Staff recommends denial of the proposed specific use permit application due to the close proximity of the subject property to residential uses. She stated that should the Commission wish to approve the application, Staff can run through the conditions recommended at

that time since they involve process and items to revise on the associated site plan. Mr. Ken Paxton, 5613 South Woodcreek Circle, McKinney, Texas, stated that noise and hours of operation are not an issue. He stated that vehicle testing or maintenance is prohibited in the parking lot and that hours of operation would be more limited than the other O'Reilly Auto Parts stores in McKinney. Paul Engel, 2045 West Woodlawn, Springfield, Missouri, explained the proposed site and stated that they have made changes to the proposed development that Staff was not made aware of. He stated that per a nearby resident's request, the masonry wall will be eight feet in height rather than six feet, delivery services would be at normal business hours as per the City's ordinance, and the construction of the masonry wall would run concurrently with the overall site development as soon as possible. Ms. Jennifer Cox, Director of Planning for the City of McKinney, stated that if the Planning and Zoning Commission chooses to recommend approval of the proposed specific use permit and site plan, and the Planning and Zoning Commission would like to condition that an eight-foot fence be installed, that would be acceptable. Commission Member Lingenfelter asked if it would be a solid masonry wall. Mr. Engel answered yes. Ms. Cox asked for clarification on store hours. Mr. Engel stated that store hours would be from Monday through Friday from 8 a.m. to 8 p.m. and Saturday and Sunday from 8 a.m. to 6 p.m. Ms. Cox stated that Staff's comment regarding late hours was based on the two existing O'Reilly stores in the City of McKinney and stated that the advertised hours for those two stores are Monday through Saturday from 7:30 a.m. to 10 p.m. and Sunday 8 a.m. to 9 p.m. Mr. Engel stated that the hours of operation for the specific site would be Monday through Friday from 8 a.m. to 8 p.m. and Saturday and Sunday from 8 a.m. to 6 p.m. Chairperson Clark clarified that if the Planning and Zoning Commission approves the specific use permit and site plan, they could not regulate the store hours. Ms. Cox confirmed that Staff and the Planning and Zoning Commission could not regulate store hours. Commission Member Lingenfelter asked how O'Reilly handles deliveries. Mr. Engel stated that deliveries to the facility will be to the back of the O'Reilly building, and deliveries from the O'Reilly store to customers would be in small pick-up trucks. Mr. Jeremy Rogers, 9001 Roanoke Court, McKinney, Texas,

spoke in favor of the proposed specific use permit and site plan. He stated that his only concerns were the wall height, hours of operation, noise, and that no metal being visible from the roof. Chairperson Clark asked the applicant to address citizen concerns. Mr. Engel stated that the screening wall would be eight-feet tall and that it would match the proposed building. Ms. Cox stated that the citizen's concern was that the screening wall match the one abutting the subject property, which is a different material. Mr. Engel stated that he advised Mr. Rogers that O'Reilly is going to follow City regulations. Chairperson Clark asked Ms. Cox for clarification on what the City regulations were for the screening. Ms. Cox stated that the specific use permit application is discretionary and stated that the Planning and Zoning Commission could add other requirements to the recommendation in order to be comfortable recommending approval of the use, which can include increasing the screening wall height and changing its material. Vice-Chairperson Tate asked what kind of material the front of the building would have. Mr. Engel stated that the material would be dove gray brick with accentuating natural stone features. Vice-Chairperson Tate asked what material is between the columns. Mr. Engel stated that stone material, Gold Snap Dimensional Veneer, is between the columns. Ms. Cox read a portion of the existing planned development district ordinance that states that the proposed screening wall needs to be of a uniform look, meaning that the wall needs to be of the same material as the existing wall. She stated that the Planning and Zoning Commission could require it to be the same color as the existing wall but be of a different material. Commission Member Thompson asked the General Manager if the proposed O'Reilly would generate eight to ten jobs and what the projected annual revenue for the store was. Mr. Jeff Jennings, 6653 McKinney Ranch Parkway, McKinney, Texas, answered yes to eight to ten jobs available and stated that the projected revenue was about \$1,500,000 annually. On a motion by Vice-Chairperson Tate, seconded by Commission Member Radke, the Commission voted 7-0 to close the public hearing. Commission Member Lingenfelter asked what the height of the trees along the screening wall would be at maturity. Mr. Michael Quint, Senior Planner for the City of McKinney, stated that the definition of a canopy tree per the Zoning

Ordinance is that they have a mature canopy of 25 feet or greater and stated that the trees should be at least 25 feet in height at time of maturity. On a motion by Vice-Chairperson Tate, seconded by Commission Member Thompson, the Commission voted 7-0 to recommend approval of the proposed specific use permit and site plan as conditioned in the staff report, plus an eight-foot wall adjacent to the single family residential along the north and west property lines of a uniform look to match the existing masonry wall. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 2, 2010.

10-090PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by John Thomas Engineering, L.L.C, on Behalf of Frank E. Williams II, for Approval of a Preliminary-Final Replat, for Lot 2, Block A, of the Williams Addition, Approximately 1.50 Acres, Located on the Northwest Corner of State Highway 380 (University Drive) and Graves Street.

Ms. Jennifer Cox, Director of Planning for the City of McKinney, stepped down during the consideration of this item, 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 proposing a preliminary-final replat to subdivide approximately one and a half acres into two lots. She stated that Staff recommends approval of the proposed preliminary-final replat with the conditions listed in the Staff Report. Mr. John Measels, 7813 Great Divide Lane, McKinney, Texas, explained the proposed preliminary-final replat and stated he was available for questions. Commission Member Bush asked if the Del Taco restaurant would be on the east lot. Mr. Measels stated it would be on the western lot. Commission Member Bush commented that the space is very small. Mr. Measels stated that is was a small lot, but they would be able to fit the proposed restaurant. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Lingenfelter, seconded by Commission Member Bush, 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.

10-109SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Merriman Associates Architects, on Behalf of MJC Interests, L.P., for Approval of a Site Plan for an Office Building, Distribution Center Building, and an Auditorium Building (TRAXXAS), Approximately 15.91 Acres, Located on the Northwest Corner of Stacy Road and Henneman Way.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing a site plan for TRAXXAS to construct three buildings, multiple radio-controlled or "RC" car tracks, and a viewing platform. She stated that Staff recommends approval of the proposed site plan with the conditions listed in the staff report. Mr. Mac McCloud, 6850 TPC Drive, Suite 210, McKinney, Texas, explained the proposed site plan, stated he was in agreement with Staff's comments, and asked the Planning and Zoning Commission if they could use the proposed hedges and canopy trees as an alternate screening device along Henneman Way and along the western side of the distribution building. Mr. McCloud described the proposed bay doors, screening, and what TRAXXAS is proposing to do on the site. Chairperson Clark asked Staff if they could talk about what the applicant is requesting through Staff's perspective. Commission Member Tate asked to see a picture of the proposed glass doors. Mr. McCloud showed the Planning and Zoning Commission pictures of the glass doors. Ms. Cox confirmed that the glass doors that are going to be installed are the opaque glass and will not be see-through. Mr. McCloud answered yes. Commission Member Lingenfelter asked how the west of the building would look. Mr. McCloud discussed the screening on the west side of the distribution building with Commission Member Lingenfelter. Commission Member Lingenfelter stated that the reason for screening is for the adjacent property. Mr. McCloud stated that there are additional trees proposed and demonstrated where the screening would be. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Lingenfelter, seconded by Vice-Chairperson Tate, the Commission voted 7-0 to close the public hearing and approve the proposed site

plan as conditioned in the staff report except to allow the alternate screening devices for the bay doors as proposed by the applicant. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed site plan.

10-079SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering & Consultants, on Behalf of Virginia-Jordan, L.L.C., for Approval of a Site Plan for Imagine Charter School, Approximately 9.06 Acres, Located on the West Side of Jordan Road and Approximately 250 Feet North of Virginia Parkway.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing a site plan for Imagine Charter School. She stated that Staff is comfortable with the minor revisions to the previously approved site plan and recommends approval of the proposed site plan with the condition listed in the staff report. Mr. Jon David Cross, 106 West Louisiana Street, McKinney, Texas, stated that he was available for questions. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Radke, seconded by Commission Member Thompson, 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.

10-105SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by McCollum & Associates, on Behalf of Central Church of Christ, for Approval of a Site Plan for a Church Building, Approximately 1.84 Acres, Located on the North Side of White Avenue and Approximately 600 Feet West of Graves Street.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing a site plan to construct a church building, Central Church of Christ. She stated that Staff recommends approval of the proposed site plan with the conditions listed in the Staff Report. Mr. Byron McCollum, 2112 West Spring Creek Parkway, Plano, Texas, explained the proposed site plan and stated he was available for questions. Chairperson Clark

opened the public hearing and called for comments. There being none, 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.

Mr. Brandon Opiela, Senior Planner for the City of McKinney, gave update on development trends.

There being no further business, Chairperson Clark declared the meeting adjourned at 8:30 p.m.

ROBERT S. CLARK, CHAIRPERSON