

**MINUTES
CITY OF MCKINNEY, TEXAS
PLANNING & ZONING COMMISSION
TUESDAY, APRIL 12, 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 Chambers of the Municipal Building on Tuesday, April 12, 2011 at 6:30 p.m.

Commission Members present were Robert S. Clark, Darrell Tate, Ray Eckenrode, Sean Lingenfelter, George Bush, Sean Lingenfelter, Jack Radke and Larry Thompson. Staff members present were Parks Development Superintendent Stephen Brainerd, Assistant Director of Planning Kevin Spath, Planners Abra Nusser and Anthony Satarino, and Administrative Assistant Terri Ramey.

There were nine 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 May 3, 2011, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by April 14 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 Item.

**Consider/Discuss/Act on the Minutes of the
March 22 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.

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.

Mr. Anthony Satarino, 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 Bush, the Commission voted 7-0 to close the public hearing and table the proposed rezoning request as recommended by Staff.

11-038SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of The Boys and Girls Clubs of Collin County, for Approval of a Site Plan to Expand the Existing Building (The Boys and Girls Club of Collin County), Approximately 2.17 Acres, Located on the East Side of Church Street and Approximately 225 Feet North of Christian Street.

Mr. Anthony Satarino, Planner for the City of McKinney, explained that the applicant originally requested that this item be heard at the next P&Z meeting; however, Staff received an email from the applicant on Monday afternoon requesting to table the item indefinitely. Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Lingenfelter, 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.

11-040Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by

Pogue Engineering & Development Company, Inc., on Behalf of Carrington Partners, for Approval of a Request to Rezone Approximately 3.60 Acres from “PD” – Planned Development District to “PD” – Planned Development District, to Allow for a Restaurant with Drive-Through Window, Located on the Southwest Corner of Eldorado Parkway and Hudson Crossing.

Mr. Anthony Satarino, 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 as recommended by Staff.

11-039Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Rawls Architects, on Behalf of ASG Eldorado Pavilion, Ltd., for Approval to Request to Rezone Approximately 1.19 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Allow a Veterinarian Clinic, Located on the West Side of Ridge Road and Approximately 400 Feet South of Eldorado Parkway.

Ms. Abra Nusser, Planner for the City of McKinney, stated that the applicant is requesting to rezone to allow a veterinarian clinic use and has submitted a conceptual site layout with the proposed rezoning request that reflects a building with a veterinarian clinic use (Perky Paws) and medical office uses. She stated that there is no area designated for animals to be left off leash on the conceptual plan, and the applicant has stated that all animals will be walked on a leash. Ms. Nusser stated that the subject property is part of a larger planned development which designates specific areas of office, retail, multiple family residential, park/open space, and single family residential uses. She stated that the subject property has been designated for office uses since 1998 to act as a transition buffer between the retail-related uses along Eldorado Parkway and the low density residential neighborhood to the south. Ms. Nusser stated that when the nearby residential subdivision to the south was built, the zoning designating the subject property for office uses was already in place so the residents purchased

their homes with the expectation that the subject property would be developed for office uses. She stated that Staff feels that this planned development was designed with an appropriate balance of uses that complement each other, and are supported in the Future Land Use Plan of the City of McKinney's Comprehensive Plan. Ms. Nusser stated that in 2010, AutoZone attempted to rezone the subject property to allow uses permitted in the "BN" – Neighborhood Business District, but City Council denied the request due to nonconformance to the City of McKinney's Comprehensive Plan. She stated that Staff recommends denial of this proposed rezoning request also due to nonconformance to the City of McKinney's Comprehensive Plan.

Commission Member Thompson asked what part of the Comprehensive Plan that this proposed rezoning did not comply with. Ms Nusser stated that the Future Land Use Plan (FLUP) designates it for office uses. She stated that the Comprehensive Plan also speaks to the appropriate transition of uses—specifically in this case regarding maintaining the office transition including the subject property.

Vice-Chairperson Tate asked if veterinary clinics have an odor to them. Ms. Nusser stated that the applicant could possibly answer.

Mr. Ed Rawls, Rawls Architects, 901 N. McDonald Street, McKinney, TX 75069, stated that his client intends to build a single-story office building, about 12,000 square feet. He stated that the proposed building would face on Ridge Road. Mr. Rawls stated that the proposed veterinary clinic would be on the north side of the building. He stated that it would be about 450 feet north of the Boardwalk residential subdivision. Mr. Rawls stated that they do not intend to have any outside runs or kennels. He stated that Perky Paws is currently located on Virginia Parkway. Mr. Rawls stated that the animals will be walked on a leash outside. He stated that Dr. Farmer treats small animals. Mr. Rawls stated that they have neighborhood support from the Boardwalk Subdivision to the south. He stated that they plan to treat the outside of the building with a high STC (Sound Transmission Coefficient) rating. Mr. Rawls stated that they did not want the noise of the road being heard inside the building, which would also mean that noise would not travel outside. He stated that it should be very clean and quiet.

Commission Member Thompson asked Dr. Farmer about the size of her current location. Dr. Stephane Farmer, 8901 Virginia Parkway, Suite # 400, McKinney, TX 75070, stated that it is about 2,400 square feet. Commission Member Thompson asked how many people are employed. Dr. Farmer stated that she has three individuals that work with her. Commission Member Thompson asked if the proposed location is an expansion of her business. Dr. Farmer stated that she hopes to hire about three more employees. She stated that it would be about the same size space as her current location.

Vice-Chairperson Tate asked Staff if there was any other use of the property being considered at this time. Ms. Nusser stated that no, the request is to allow veterinarian clinic as an additional use to what is already allowed on the subject property. She stated that the site plan in the packet is for your reference is not being proposed to be attached. Ms. Nusser stated the site plan is not locked in to the proposed planned development district. Mr. Nusser also clarified that the building size was not being finalized with this request and that a building could be built to a larger size as long as it meets the governing setbacks.

Commission Member Bush asked Staff what district a veterinary clinic use is allowed in. Ms. Nusser stated that it is allowed in retail-related, higher intensity commercial districts. The Planning and Zoning Commission Members and Ms. Nusser discussed the surrounding area and the appropriate transition of uses.

Vice-Chairperson Tate asked if there is a vacant lot between this property and the residential neighborhood with similar zoning. Ms. Nusser stated yes.

Commission Member Bush asked if AutoZone had the support of the nearby homeowners association when they were denied. Ms. Nusser stated that they did not have their support.

Chairperson Clark clarified the reasons for denial of the AutoZone at this location. Ms. Nusser stated that this is a very similar situation. She stated that Staff felt it was a higher intensity use that was not appropriate to be within the office transition.

Commission Member Lingenfelter asked if a medical office use would be permitted. Ms. Nusser stated that a medical office would be allowed. She stated that the Zoning Ordinance considers a veterinarian clinic as a more

intense, different use, than a medical office for humans. Chairperson Clark stated that he felt Staff's position was consistent with the previous AutoZone rezoning case but that the Planning and Zoning Commission could either recommend approval or denial of the request.

Chairperson Clark opened the Public Hearing and called for comments.

Mr. Jon David Cross, Cross Engineering Consultants, 106 W. Louisiana Street, McKinney, TX 75069, stated that the existing Perky Paws facility backs up to a residential neighborhood in Stonebridge Ranch. He stated that there have been no complaints from the neighborhood residents regarding that facility.

On a motion by Commission Member Bush, seconded by Commission Member Lingenfelter, the Commission voted 7-0 to close the public hearing and recommend approval of the proposed rezoning request.

Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on May 3, 2011.

11-008MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Ringley & Associates, Inc., on Behalf of Andrew B. and Ann S. Harris, for Approval of a Minor Replat for Lots 1 and 2, Block A, of A Beautiful Home Addition, Approximately 0.37 Acres, Located on the East Side of Wood Street and on the West Side of Kentucky Street.

Mr. Anthony Satarino, Planner for the City of McKinney, gave the staff report and stated that the subject property is currently platted as Lots 252A & 252C, Block 84 of the Original Donation. He stated that the applicant is proposing to subdivide the original lot into two lots. Mr. Satarino stated that there are two existing single family residences on the property, and the applicant is not proposing any new development for either lot. He stated that the Subdivision Ordinance requires a minimum of 50 feet of right-of-way for residential streets. Since Wood Street will have a right-of-way width of less than 50 feet, a variance is required. Mr. Satarino stated that the Engineering Department is in support of the variance to allow a right-of-way width of less than 50 feet for Wood Street. No additional right-of-way is required. He stated that at the April 5, 2011 City Council Meeting, the applicant received approval of an associated rezoning case,

reducing the front yard setbacks and the minimum lot depth of proposed Lot 2. Mr. Satarino stated that the proposed minor replat is in conformance with the governing ordinance. He stated that Staff recommends approval of the proposed minor replat as conditioned in the Staff Report

Mr. Lawrence Ringley, Ringley & Associates, Inc., 410 N. Tennessee Street, McKinney, TX 75069 stated that the property was purchased as one large lot with two houses on it. He stated that they are seeking to subdivide the property to have one structure per lot.

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 minor replat as conditioned on the staff report.

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

11-034MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Lisa Day, for Approval of a Minor Replat for Lots 1 and 2, Block A, of the Virginia Addition, Approximately 0.29 Acres, Located on the Southeast Corner of Virginia Street and Francis Street.

Mr. Anthony Satarino, Planner for the City of McKinney, gave the staff report and stated that the subject property is currently platted as Lot 1A, Block 1 of the Waddill Addition. He stated that the applicant is proposing to subdivide the current lot into two lots. There is currently a house on Lot 1. Mr. Satarino stated that Lot 2 will be utilized for a single family house in the future as indicated by the applicant. He stated that the Subdivision Ordinance requires a minimum of 50 feet of right-of-way for residential streets. Mr. Satarino stated that since Francis Street has a right-of-way width of less than 50 feet, a variance is required. He stated that the Engineering Department is in support of the variance to allow a right-of-way width of less than 50 feet for Francis Street. Mr. Satarino stated that no additional right-of-way is required. He stated that the proposed minor replat is in conformance with the Subdivision Ordinance. Mr. Satarino stated that Staff recommends approval of the proposed minor replat as conditioned in the Staff Report.

Ms. Lisa Day, 703 S. Tennessee Street, McKinney, TX 75069 stated that she had no comments

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 minor replat as conditioned on the staff report.

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

11-043SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by la terra studio, on Behalf of City of McKinney, for Approval of a Site Plan for The Courts at Gabe Nesbitt Park, Approximately 10.38 Acres, Located Approximately 2,100 Feet South of Eldorado Parkway and Approximately 800 Feet East of Alma Road.

Mr. Anthony Satarino, Planner for the City of McKinney, gave the staff report and stated that the City of McKinney is proposing to construct a municipal tennis facility with 11 courts, including a 3,586 square foot retail building. He stated that the subject property is part of Gabe Nesbitt Park that is approximately 150 acres. Mr. Satarino stated that the proposed tennis facility will be approximately 800 feet away from existing single family residences to the west and approximately 500 feet away from existing single family residences to the east. He stated that the proposed site plan shows access to the tennis courts from a network of existing fire lanes that connect to Alma Road and Eldorado Parkway. Mr. Satarino stated that the facility is required and has provided 100 on-site parking spaces. He stated that all proposed site plans for City owned property must be considered by the City Council. Mr. Satarino stated that the recommendation of the Planning & Zoning Commission will be forwarded to the City Council for consideration at the May 3, 2011 meeting. He stated that Staff recommends approval of the proposed site plan as conditioned in the Staff Report

Commission Member Lingenfelter asked about the parking at the facility with the proposed addition. He discussed some of the parking issues that he had faced at that location. Mr. Satarino stated that there would be adding 100 on-site parking spaces for the tennis complex.

Mr. Stephen Brainerd, McKinney Parks Development Superintendent, in response to Commission Member Ligenfelter's concern, stated that the City requires 50 parking spaces per baseball field. He stated that there are 250 parking spaces at the softball complex. Mr. Brainerd discussed some of the future development for that area.

Chairperson Clark opened the Public Hearing and called for comments. There were none, 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 site plan as conditioned in the staff report.

Chairperson Clark stated that the recommendation of approval by the Planning and Zoning Commission will be forwarded to the City Council meeting on May 3, 2011.

There being no further business, Chairperson Clark declared the meeting adjourned at 7:05 p.m.

ROBERT S. CLARK, CHAIRPERSON