

## **PLANNING AND ZONING COMMISSION**

**JANUARY 13, 2015**

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 13, 2015 at 6:00 p.m.

Commission Members Present: Chairperson Rick Franklin, Jim Gilmore, Cam McCall, Mark McReynolds, Dick Stevens, and Eric Zepp.

Commission Members Absent: Vice-Chairperson Matt Hilton and Deanna Kuykendall.

City Council Member Present: Mayor Pro-Tem Travis Ussery.

Staff Present: Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Planning Managers Brandon Opiela and Matt Robinson; Planner II Samantha Pickett; Planners Eleana Galicia and Aaron Bloxham; and Administrative Assistant Terri Ramey

There were approximately 40 guests present.

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

Chairperson 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. Chairperson 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 stated that there would not be a time limit for the applicant's remarks; however, guests would need to limit their remarks to three minutes and speak only once. Chairperson 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.

Chairperson Franklin continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Commission Member Gilmore, seconded by Commission Member McCall, to approve the following five Consent items with a vote of 6-0-0.

- 15-038 Minutes of the Planning and Zoning Commission Regular Meeting of December 9, 2014**
- 14-334CVP Consider/Discuss/Act on Conveyance Plat for Lots 1 and 2, Block A Lot 1, Block B, 4 Common Areas and Craig Ranch Parkway Right-of-Way Dedication, Located on the North Side of State Highway 121 (Sam Rayburn Tollway) and Approximately 900 Feet West of TPC Drive**
- 14-285PF Consider/Discuss/Act on a Preliminary-Final Plat for 157 Single Family Residential Lots, 7 Common Areas, and 2 Non-Residential Lots (Bloomridge Addition), Located on the Southeast Corner of County Road 123 (Future Bloomdale Road) and County Road 161 (Future Ridge Road)**
- 14-326CVP Consider/Discuss/Act on a Conveyance Plat for Lots 1 and 2, Block A, of the Stacy SH 121 Center Addition, Located Approximately 1,180 Feet North of State Highway 121 (Sam Rayburn Toll Way) and on the East Side of Stacy Road**
- 14-327PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1R and 2R, Block A, of the Stacy SH 121 Center Addition, Located Approximately 1,180 Feet North of State Highway 121 (Sam Rayburn Toll Way) and on the East Side of Stacy Road**

**END OF CONSENT**

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

- 14-343Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Rockhill Road and Wilson Creek Parkway (REQUEST TO BE TABLED)**

Ms. Samantha Pickett, Planner II 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. She stated that Staff would re-notice prior to a future Planning and Zoning Commission meeting.

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

Member McReynolds, the Commission voted unanimously to close the public hearing and table the proposed rezoning request as recommended by Staff, with a vote of 6-0-0.

**14-305SU2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for Additional Fuel Pumps and Car Wash, Located on the Southwest Corner of Westridge Boulevard and Independence Parkway**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the specific use permit request and Staff's concerns. She stated that Staff recommends denial of the proposed specific use permit due to close proximity of the subject property to single family residential uses.

Commission Member Stevens asked for the distances from the proposed gas pumps to the property lines. Ms. Pickett stated that it was approximately 240 feet to the closest lot to the southwest, 200 to the lots on the other side of Independence Parkway; from the car wash it was approximately 130 feet to the west and 160 feet to the east. She stated that Staff was not comfortable with any of these distances.

Mr. Jared Westmoreland, 800 W. Airport Freeway, Irving, TX, explained the specific use permit request and stated that they no longer intent to install a car wash at this site. He stated that four gas pumps were allowed by right on this property. Mr. Westmoreland felt that Independence Parkway would soon become a major arterial through McKinney once it connects with U.S. Highway 380 (University Drive), and discussed recent traffic counts. He felt the growth in this area justified the three additional gas pumps for a total of seven gas pumps at this location. Mr. Westmoreland stated that there were no other gas stations nearby. He stated that Valero was a Fortune 200 company. Mr. Westmoreland stated that their employees have background checks run on them and must pass drug tests prior to employment. He stated that they go through extensive training. Mr. Westmoreland briefly discussed some of the safety measures for their properties.

Chairperson Franklin opened the public hearing and called for comments. He read the following names and addresses for residents that turned in a speaker's card and did not wish to speak during the meeting.

- Ms. Mary Metzgar, 9716 National Pines Drive, McKinney, TX, was in support of this request

- Ms. Kathy Henderson, 9717 Bardmore Place, McKinney, TX was in support of this request
- Ms. Jeanne Nowak, 9808 National Pines, McKinney, TX, was in support of this request
- Mr. James Parker, 575 S. Virginia Hills, McKinney, TX, was in support of this request
- Mr. Matthew Gelsomini, 9921 Nixon Drive, McKinney, TX, was in opposition of this request
- Ms. Rachel Matthew Gelsomini, 9921 Nixon Drive, McKinney, TX, was in opposition of this request

Mr. Tony Scalise, 1412 Main Street, Dallas, TX, stated that he was a partner in the ownership of the overall 4.2 acres which this request was associated. He stated that within a mile radius there were approximately 16,000 residents with an additional 3,000 lots presently under construction. Mr. Scalise felt the additional pumps would help with traffic issues so cars do not stack up at the pumps waiting to be filled. He stated that the northwest corner of Westridge Boulevard and Independence Parkway has 12 acres that were zoned in the same manner as this property. Mr. Scalise had heard that six of those 12 acres were currently under contract to a major retailer. He felt the three additional gas pumps on the property would have a lessor impact to the surrounding area compared to the possible retail development of the northwest corner. Mr. Scalise asked that the specific use permit be granted to better serve the neighborhood.

Mr. Brian Tuggle, 9724 Sand Trap Drive, McKinney, TX, stated that he was a board member of the Fairways Northwest at Westridge Homeowners' Association (HOA). He stated that some people in their community were for the project while others were against it. Mr. Tuggle stated that the proposed car wash was the biggest concern for the surrounding residents. He was glad to see that the applicant had decided against having a car wash on the property. Mr. Tuggle was in support of having a larger gas station at this location if the northwest corner was going to be developed with retail uses.

Mr. Todd Stein, Jordan Realty Advisors, 4631 Elsby Avenue, Dallas, TX, stated that he was working with the applicant and the property owner. He stated that a retail center would be built directly to the south of this proposed development. Mr. Stein felt that there was demand in the area for the additional gas pumps at this location with all of the surrounding residential and future retail development for this area.

Ms. Cindy Durrant, 10200 Collidge Drive, McKinney, TX, stated that her home will back up to this lot. She had concerns regarding increased traffic, excessive noise, screening, decreases property values, and possible deliveries made late at night. Ms. Durrant felt there were plenty of gas stations in the area. She liked that the proposed gas company had high standards.

Ms. Brook Rodriguez, 9861 Old Field Drive, McKinney, TX, expressed concerns regarding increased traffic and safety for children walking to and from the surrounding schools.

Mr. Westmoreland stated that it would be an approximately \$5,000,000 investment for this development. He felt that they would be building it to higher standards than the City's requirements.

Mr. Stein stated that Independence Parkway and Westridge Boulevard were designated as major six-lane arterials on the City's Master Thoroughfare Plan.

Commission Member McReynolds had questions regarding the property being zoned for four pumps. Mr. Michael Quint, Director of Planning for the City of McKinney, did not know why the standard had been set a four gas pumps with anything larger needing a specific use permit. He stated that the standard had been in effect since before he started with the City over nine years ago. Commission Member McReynolds asked if the standard was based on the size of the property. Mr. Quint said no.

Mr. Quint briefly discussed the City's Architectural Standards and screening requirements.

Commission Member Gilmore asked if a signal light was planned for this intersection. Mr. Quint stated that there would be signal lights at this intersection in the future; however, he did not know exactly when they would be installed.

Commission Member Gilmore asked if there were any guidelines on delivery times. Mr. Quint stated that he was not aware of the City having any restrictions governing delivery times.

Commission Member Gilmore asked if the proposed development was planned to operate 24 hours per day. Mr. Quint stated that the City did not limit the hours of operation, so that would be up to the property owner.

Commission Member Zepp had questions regarding the lighting for the project. Mr. Quint stated that the Zoning Ordinance does not treat gas stations any differently than any other use. He stated that there was a foot-candle illumination level standard at the property line that every site must meet.

On a motion by Commission Member Zepp, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Gilmore expressed concerns regarding delivery hours at this location and felt a red light was needed at the intersection.

Chairperson Franklin felt additional screening was needed in the back near the residential properties. Mr. Scalise stated that most of the screening for the residential lots to the back would come from the other development to the south of this property. He stated that they were willing to increase the screening by the residential lots. Mr. Opiela explained that the proposed development was not directly adjacent to the residential properties.

Mr. Scalise stated that the delivery issue would exist whether there were four or seven gas pumps on the site.

Commission Member Stevens asked if the property to the west was zoned "BN" - Neighborhood Business District. Mr. Scalise said yes. He stated that they had not done any marketing on that site yet and was waiting to see what was being proposed on the northwest corner first.

Commission Member Stevens asked if the gas station would be screened by a future shopping center. Mr. Scalise said yes. He also stated that there was a three-acre tract owned by a daycare center to the south of their property.

Commission Member Stevens ask the applicant if they owned the lot to the south of where the car wash had been proposed. Mr. Scalise said yes. He stated that they were approximately 90% pre-leased in that proposed 8,250 square-foot building. Mr. Scalise stated that if the gas station ends up with only four gas pumps, then they would probably increase the size of the building to the south to 10,000 square feet. He gave examples of some of the other developments they had competed around the City to show their high development standards.

Commission Member Stevens asked if the 7-Eleven at Virginia Parkway and Custer Road (FM 2478) received a specific use permit to allow more gas pumps at their location. Mr. Quint said yes.

Commission Member McReynolds asked if a driving hazard might be caused once all of the proposed seven gas pumps are full and more vehicles are starting to stack up, waiting in line on the property.

Chairperson Franklin felt that the same number of vehicles would come to this gas station no matter how many gas pumps it contained. He was in favor of increasing the gas pumps to seven on this location.

Commission Member Zepp expressed concerns about increasing the gas pumps on the property to seven with the residential properties nearby.

Commission Member Stevens asked if a specific use permit would be required if the northwest corner development decided to build a gas station with seven gas pumps. Mr. Brandon Opiela, Planning Manager for the City of McKinney, said yes.

A motion by Commission Member Zepp, seconded by Commission Member McReynolds, to deny the request per Staff's recommendation failed with a vote of 3-3-0. Board Members Chairperson Franklin, Gilmore, and Stevens voted against the motion.

The Commission approved the motion by Commission Member Stevens, seconded by Commission Member Gilmore, to recommend approval of the specific use permit as conditioned in the Staff report to allow seven gas pumps to be built on the property and with the exception that the car wash would not be built, with a vote of 4-2-0. Board Members McReynolds and Zepp voted against the motion.

Chairperson Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 3, 2015.

**14-346ME Conduct a Public Hearing to Consider/Discuss/Act on a Meritorious Exception for Provence Townhomes, Located Approximately 1035 Feet South of Eldorado Parkway and on the West Side of Alma Road**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained the proposed Meritorious Exception and staff's concerns. He stated that Staff recommends denial of the proposed meritorious exception as it was staff's opinion that a similar design to the one presented could be accomplished through the use of approved finishing materials that meet the minimum masonry percentages and that the use of stucco exclusively as an exterior finishing material did not constitute a project of exceptional quality or innovative design.

Commission Member Zepp asked to clarify that the request is about stucco and not EIFS. Mr. Robinson stated yes. Commission Member Zepp asked if the stucco is a Portland product mix and Mr. Robinson stated yes.

Chairperson Franklin asked if there any more questions for staff. There being none, Chairperson Franklin asked the applicant to speak.

Mr. Bob Roeder, 1700 Redbud Boulevard, Suite 300, McKinney, Texas on behalf of the owner and developer explained the meritorious exception request.

Commission Member Stevens asked for clarification on if the proposed colors were grays, creams and beige. Mr. Roeder stated yes that those are the colors being proposed. Commission Member Stevens asked what will be facing the single family residential homes located on the south side of the subject property. Mr. Roeder stated that this is an alley loaded project; there will be an alley on the rear of the townhomes adjacent to the single family residences.

Commission Member Stevens stated that he had concerns about the backsides of the townhomes and that he would like to see some type of architectural enhancements that would make the rear of the buildings more attractive. Mr. Roeder stated that if this were solid brick it would have the same look. He stated that he feels that his client would be willing to put some quoins (corner blocks) on the rear and also do some treatments around the garage doors. Commission Member Stevens asked if the 4 unit townhome had some treatment around the garage. Mr. Roeder stated that on the 4 unit townhome that it is primarily a color differentiation and the only thing different



from the backside of the 4 unit townhome to the other townhomes is the color differentiation.

Commission Member McReynolds had a question for the developer regarding the roofing material. Mr. Roeder stated that the roof is heavy composition shingle. Commission Member McReynolds asked what type of shingle it will be. Mr. Roeder stated that they have not selected the style. Commission Member McReynolds stated that he was in favor of the elevations and that they matched the style the applicant was seeking. He stated that limiting the stucco to a certain ratio or certain proportion would have a detrimental effect and would not be consistent with the original design intent. Commission Member McReynolds stated that he does concur with Commission Member Stevens regarding the rear appearance of the townhomes.

Commission Member Gilmore asked if this is the same developer of the existing townhome project to the west. Mr. Roeder stated this is not the same development and that this will be the first project for this development.

Commission Member McReynolds asked if the two sides of the townhomes back up to the storage units. Mr. Roeder stated yes, and the only place where the townhomes will back up to will be the single family development along the south side.

Commission Member Gilmore asked about the west side of the development. Mr. Roeder stated that the west side is not this development. Commission Member Gilmore asked if there will be through streets. Mr. Roeder stated no.

Chairperson Franklin asked if there is any screening or a wood fence behind and if there will be room to do any screening. Mr. Roeder stated that this is an alley loaded product and there probably will not be any screening because it is residential to residential.

Commission Member Stevens asked Mr. Roeder what type of improvements to the rear of the townhomes they could propose to improve the appearance. Mr. Roeder stated that they can put quoins on the corners and they could change the garage door look to more of a carriage door look, which would keep with the architectural style.

Commission Member Zepp asked about wainscoting around the building. Mr. Roeder stated that this is not in keeping with the architectural style. He stated that this is not an economic issue. He stated that this is about capturing the architectural style and

that his client has had the opportunity to put a wainscot around the buildings and declined. Commission Member McReynolds stated that a wainscot is not consistent with the proposed style. Commission Member Zepp asked if this will be a trowel finish. Mr. Roeder stated it will be a flat finish. Chairperson Franklin asked about the longevity of stucco compared to brick and stone. Mr. Roeder stated that it is equal to or longer than brick.

Commission Member McReynolds stated that he had concerns about the materials for the roof. Mr. Roeder stated that they are using a 300 pound architectural shingle.

Chairperson Franklin opened the public hearing and called for comments. There being none, the Commission approved the motion by Commission Member Stevens, seconded by Commission Member McReynolds to close the public hearing and approve the meritorious exception with the understanding that the developer install quoin treatments on all corners of the rear side of the townhomes and install carriage garage doors in the rears of all the townhome units, with a vote of 6-0-0.

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

**14-302Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property 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 on the Northwest Corner of Meyer Way and Collin McKinney Parkway**

Ms. Samantha Pickett, Planner II for the City of McKinney explained the proposed rezoning request. Ms. Pickett stated that the applicant is requesting to rezone approximately 8.57 acres of land, generally for mixed uses. More specifically, the proposed rezoning request modifies the development standards, including but not limited to lot area, width, and depth, maximum height, density, setbacks, landscaping, parking, and architectural requirements, as detailed in the attached development regulations. While the applicant is proposing uses currently allowed on the property, Staff's opinion is that the requested development standards do not ensure high-quality development will be achieved, and need further modifications to ensure a development

of exceptional quality can be built and the special ordinance provisions are clear and can be administered by Staff. She stated that in 2006, the subject property was zoned as part of a larger, 50-acre tract known as Cooper Life at Craig Ranch. The zoning established specific development standards and tied down a general development plan to ensure a high density, cohesive, pedestrian orientated; mixed-development would be constructed. Ms. Pickett stated that staff recommends denial of the proposed rezoning request due to the proposed development standards' inability to mandate or achieve a high quality development, as the attached exhibits and standards have not been fully vetted and are not, in Staff's opinion, ready to move forward.

Mr. Don Paschal, 904 Parkwood Circle, McKinney, Texas presented a Power Point presentation explaining the proposed rezoning request. He stated that some of issues are dealing with some regulatory concerns due to lacking exhibits. Mr. Paschal stated the he has worked with staff to resolve the issues. He stated that there are a few items that staff and his client did not agree on. He stated this property has been setting dormant for a long time and needs to be developed to help increase the tax base. Mr. Paschal stated the he feels that they will blend in with the other developments in the adjacent areas. He stated that one development in the commercial area is about 15 percent occupied and not a viable use at this time. He stated that his client is proposing would be a good fit for the development area. Mr. Paschal stated that they proposed to maintain mid to higher density multi-family and mixed-use development with the commercial uses fronting on Collin McKinney Parkway with apartment living above. He stated that they are proposing tuck under parking on the first floor with 384 parking spaces enclosed per unit and only 3/10<sup>th</sup> of the parking that would be located outside. He stated that the Fire Department has been having issues in this area with the turning corners because the radius is too tight and they are replacing the curbs from a vertical stand up to a 30 inch lay down curb, which gives about a 20 foot radius instead of a 4 foot radius to the back of the curb. Mr. Paschal explained the proposed landscaping plan in detail and stated that the any landscaping issues will be resolved as much as possible, per staff's recommendation. He stated that funding is also an issue with this development and must be ready to go for all approvals no later than March 1, 2015. Mr. Paschal stated that they are asking for the opportunity to craft an ordinance with the

City that would work for everyone and that the Commission would recommend that this item goes to the next City Council meeting.

Mr. John Lowrey, 1150 North Central Expressway, Dallas, Texas explained the proposed rezoning request and stated that he has been working with this particular project for several years and explained the proposed rezoning request. He stated that he understands that the funding for this development is not a concern of the Commission but it is a major importance to him and this development. Mr. Lowrey explained the funding and bonding process to the Commission and how timely it is to have it approved by the specified time Mr. Paschal mentioned. He stated that there is an existing zoning on the subject property and he believes that they have accommodated in most what the ordinance entails.

Commission Member Stevens stated that there is a Site Plan "A" and a Site Plan "B" and he does not see any difference between the two exhibits. Mr. Paschal stated that the difference between the two site plans. He stated that the difference between Site Plan "A" and "B" is the amount of on-street parking preserved. Commission Member Stevens stated that he does not a site plan for the Collin McKinney Parkway District area. Mr. Paschal stated that there is a concept plan depicting both. Commission Member Stevens asked what the property to the north was zoned. Mr. Paschal and Mr. Opiela both clarified that directly adjacent is not a park, but open space, and to the north of that is single family residential. Commission Member Stevens asked if the project has enough parking and if the "REC" – Regional Employment Center Overlay District allows on-street parking to count towards this project. Mr. Brandon Opiela, Planning Manager with the City of McKinney responded that the ratio that they have provided meets the current ratios and that the "REC" - Regional Employment Center Overlay District does typically allow on-street parking within 200 feet to count.

Chairperson Franklin asked what is just north of the buildings. Mr. Paschal stated that there is open space to be maintained by the neighborhood to the north. Chairperson Franklin stated that he has concerns about residential adjacency and is somewhat relieved by placement of open space.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Zepp, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Zepp stated that he knows what tuck under means and asked for clarification from Staff regarding structured parking. Mr. Michael Quint, Director of Planning explained that the applicant is proposing that the entire first floor would be a garage, there would be columns holding up the upper floors, floors 2-5 and the entire ground floor would be a garage. A tuck under there is a number of things meaning the entire ground floor is a garage or the back end of a multi-family building has garages you can pull in to, or a more proto typical tuck under garages where the cars go down into a driveway below the garage, thus tuck under. He stated that structure parking can be very broad and multi-story parking facility, exactly what the applicant is proposing, technically structured because there are columns holding it up or piers.

Commission Member Stevens asked what is located to the north side of Huitt. Mr. Paschal stated that this is a park. Mr. Quint clarified that this is not a park but open space in which the residence of that community maintain.

Commission Member Stevens asked the applicant how he would ensure that there would be enough parking provided and will there be enough for guests as well. Mr. Paschal stated that with the number of proposed spaces in the tuck under there will be enough spaces given the amount of on-street parking. Mr. Paschal stated that there is an over amount of parking on the site. Commission Member Stevens asked Staff if there is a way to attach Mr. Paschal's notes to the request.

Commission Member Stevens asked Staff if they send this to the February 3, 2015 City Council meeting with a favorable recommendation, how will it be ensured that everything that was discussed and promised will be delivered and is there a way to tie it only to this user. Mr. Opiela stated that the zoning would be set on the property if it's passed even if the applicant does not build. Mr. Paschal stated that there is an over amount of parking on the site. Commission Member Stevens inquired about the notes passed out to the Commission and if Staff was in agreement. Mr. Paschal stated that

it is there intent to have the issues resolved and agreed upon before the next City Council meeting and there should not be any questions arise as to what the requirements will be. Mr. Opiela stated that the ordinance is not ready to be acted upon and cannot guarantee that it will be ready for the next City Council meeting.

Chairperson Franklin stated that he likes the product and this development will be an asset to this area. He stated the reason why the commercial base is not taking off is due to the lack of residential. Chairperson Franklin stated that his opinion is that this item goes onto City Council because it is too big a deal to lose. Mr. Lowrey stated that with the bond issue 100 percent of the proceeds get deposited in the bank on the day of closing and there is no way that this product will not get funded.

Chairperson Franklin stated that he would like to see the issues addressed before going to City Council. Mr. Paschal stated that we will work with staff to complete the issues. Mr. Opiela stated what was submitted by the applicant this afternoon that he has not had time to review it. Mr. Quint stated that when using the verbiage "attaching this" it does not ensure quality or even what the applicant is saying. He stated that if the Commission wants to work off of the standards provided by staff and the applicant that would not be a problem. Commission Member Stevens stated that if the Commission passed this can it be ensured that City Council will be able to vote it down or up. Mr. Quint stated yes, the problem is the Commission needs to make a motion of what "it" is, such as are you acting on the applicant's request or Staff's recommendations. Commission Member Zepp stated that he wished there were more time to resolve the issues and he does not really see any downside to this development.

On a motion by Commissioner Member Gilmore, seconded by Chairperson Franklin, the Commission voted unanimously to recommend approval the rezoning request per the applicant's request, with a vote of 6-0-0.

Chairperson Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 3, 2015.

**14-166Z2    Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" -Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial**

**Overlay District, Generally to Allow for Townhome Uses,  
Located on the Southwest Corner of McKinney Place  
Drive and Collin McKinney Parkway**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request and expressed Staff's concerns. She stated that three letters of support and a revised Staff report were distributed to the Commission prior to tonight's meeting. Ms. Pickett stated that Staff recommends denial of the proposed rezoning request due to the proposed development standards' ability to mandate or achieve a high quality development.

Mr. Levi Wild, 402 North Tennessee Street, McKinney, Texas explained the proposed rezoning request. Mr. Wild explained the history of the subject tract and the surrounding tracts. He stated that a site plan was approved for the subject property that would permit 541 multi-family residential units to be constructed; however, his client felt that townhomes would be a better fit for the property.

Chairperson Franklin asked how many front-entry townhomes were being proposed. Mr. Wild explained the layout and stated that he believes that there are 140 front-entry townhomes on the proposed preliminary-final plat; however, the development regulations will allow a maximum of 150 townhomes, and the remaining units will be rear-entry.

Commission Member Zepp asked if the applicant was proposing a 20-foot setback for the front-entry townhomes. Mr. Wild stated yes. Commission Member Zepp asked how deep the lots were. Mr. Wild stated the lots vary from 100 to 120 feet. Commission Member Zepp asked what kind of backyard will there be with a 20-foot setback and 100-foot deep lot. Mr. Wild stated the units would have an approximately 20-foot deep backyard. Commission Member McReynolds asked for clarification that there would be both a 20-foot front and 20-foot rear yard setback. He stated that it is not really a 20-foot rear setback but a 20-foot driveway requirement. The rear-entry units would have a front build-to line per the "REC" – Regional Employment Center Overlay District, which is anywhere between one third and one tenth of the average lot. Commission Member McReynolds stated the front build-to would be similar to the three townhomes along Tennessee Street. Mr. Wild stated yes.

Commission Member McReynolds asked what the height would be for the townhomes and what the depth of the lots would be. Mr. Wild stated the townhomes would be 2 stories in height and the lot sizes are proposed to be 100 to 120 feet deep.

Commission Member McReynolds asked what width of the lots would be. Mr. Wild stated the average lots are 25 feet wide.

Commission Member Stevens asked if 20-foot driveways would be long enough to accommodate a pickup truck without it extending onto the sidewalk. Mr. Wild yes. Commission Member McReynolds stated that 20-foot driveway was standard; however, he has 19-foot long truck, and felt a 20-foot driveway would be a little tight.

Chairperson Franklin opened the public hearing and called for comments.

There being none, on a motion by Commission Member Stevens, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Stevens asked if there was other parking beyond the driveway and on the street. Mr. Opiela stated yes, and explained that with the number of front-entry driveways, you eliminate the ability to park in front of the townhomes unless you are parked in the driveway. He stated that rear-entry units could accommodate on-street parking in front of those units.

Commission Member Stevens stated the only way to fix the issues is to have wider lots. Mr. Opiela stated that wider lots or alley-loaded townhome units could solve the issue. He stated that Staff's main concern is that front-entry garages dominating the front façade. He stated that Staff is not opposed to townhome uses; the concern is the aesthetics of having this type of product. He stated that the new "TH" - Townhome District was just approved by the City Council which requires townhomes to be rear-entry, as well as single family detached units that are on lots less than 50 feet wide. Mr. Opiela stated that it is not about the townhomes but the ultimate product.

Commission Member McCall asked if there could be community parking or several parking spaces between units. Mr. Opiela stated yes, and that the concept plan shown is informational only; the applicant does not have to build it as shown, nor is there any guarantee on lot widths or lot depths.



Commission Member Stevens asked that if the Commission recommends approval, would they need to have the width and driveways tied down. Mr. Opiela stated that currently the applicant is asking for a minimum lot width of 18 feet, a minimum lot depth of 80 feet, and minimum lot area of 1,800 square feet. He stated the applicant could potentially have an 18-foot by 80-foot lot. Commission Member Stevens stated that City Council has asked that there be rear-entry driveways, and this was his main issue.

Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the City Council has been striving for quality development for a number of years, which resulted in some of the provisions of the new zoning districts. There was a similar rezoning request for townhomes with front-entry garages, and Staff held the same position then as we do now. He stated that City Council decided on that the townhomes needed to have rear-entry. Mr. Quint stated if the applicant wanted to do a wider product so that the façade wasn't completely dominated by the garage, Staff could potentially be supportive of that.

Chairperson Franklin stated that this does lower the density, and would prefer to see townhomes.

Commission Member Stevens stated that the product is good for the rear entry townhomes and respect every ones opinion but in this situation how can you vote for something with no parking in the front because of the driveway and there also would be no parking for guests.

Commission Member Stevens expressed concerns with parking issues.

Commission Member McReynolds asked if the layout could be reworked to be all rear-entry units. Mr. Steve Lenart, Lenart Development, 520 Central Parkway East, Suite 104, Plano, Texas, addressed some of the Commissioners' questions and concerns, and stated that the market is calling for a front-entry product, and does not feel it will cause aesthetic or parking issues.

Commission Member Zepp asked how many total units will have front-entry garages. Mr. Opiela stated that the development regulations cap the number of front entry garages at 150 units out of 250 potential townhome units.

Chairperson Franklin asked the applicant if there was a way to rework this. Mr. Wild stated that there were options to make more of the units rear-entry, but would require removing some of the common areas and adding alleys directly adjacent to public streets. He stated that if the item was tabled, they would take another look at the layout.

Chairperson Franklin asked the applicant is he willing to do rear-entry townhomes. Mr. Wild stated that he said that he is willing to table the item and go look at it.

Commission Member McCall stated that he is most concerned with the parking. Mr. Wild stated that he understands and they have tried to mitigate this with the layout.

Commission Member Gilmore stated he would like to see data that there will mostly adults, and not children. Mr. Wild stated that he would do some research. Chairperson Franklin stated he understands the marketing concept having a mix, but would like to see more rear-entry units.

On a motion by Commission Member Stevens, seconded by Commission Member McCall, the Commission voted unanimously to table the proposed rezoning request until the next available meeting, with a vote of 6-0-0.

**14-260SP2 Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Multi-Family Development (McKinney Point), Located on the South Side of McKinney Ranch Parkway and Approximately 550 Feet East of Future Collin McKinney Parkway**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the proposed site plan. He stated that the applicant is proposing multi-family residential uses in an area designated and zoned for commercial, retail, and office uses on the governing zoning exhibit; therefore, Staff recommends that the Planning and Zoning Commission deny the site plan application, due to nonconformance with the governing planned development zoning ordinances. Mr. Opiela stated that a letter from the North Texas Tollway Authority was attached that spoke of noise abatement policies and had been forwarded onto the applicant.

Commission Member Stevens asked if 6.65 acres located on at the hard corner of Future Collin McKinney Parkway and McKinney Ranch Parkway would remain

commercial. Mr. Opiela stated that the property currently has an approved site plan for the Millennium II Apartments.

Mr. Martin Sanchez, 402 North Tennessee Street, McKinney Texas, stated that he would like to thank Staff for a great job in illustrating the issues. Mr. Sanchez explained the previous site plan that was presented to the Planning and Zoning Commission in October 2014, and reviewed the provisions of the governed planning development district ordinances on the subject property. He stated that the PD allows up to 400 multi-family units on this site; however, the zoning exhibit could not be built. He stated that the exhibit was meant to be show general locations of uses. He stated that they worked with Staff regarding several different iterations and that at the October 2014 Planning and Zoning Commission meeting, he understood that the Commission did not want to see multi-family residential uses extending to State Highway 121. Mr. Sanchez stated that the Commission then asked him to work with Staff to revise the plan to not extend out to State Highway 121, and save as many of the pad sites as possible. Mr. Sanchez stated that they revised the plan to tuck the project into northwest corner of the subject property, not extend to State Highway 121, save the pad sites, and meet the site plan requirements.

Chairperson Franklin opened the public hearing and called for comments.

Mr. Charles Weber, 10 Kingsberry Trail, Heath, Texas, stated that he is representing his father, who is in opposition of this item. Mr. Weber expressed concerns about degrading property values.

Mr. Sanchez explained the alignment of future Collin McKinney Parkway and its effect on Mr. Weber's father's property. Mr. Weber stated that construction of the apartments would render his father's property unbuildable.

On a motion by Commission Member Gilmore, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Gilmore asked if the 6.65 acres would have approximately 400 multi-family residential units built on the subject property. Mr. Opiela stated no, and explained that the Millennium II site has 182 multi-family residential units approved, and the proposed development would have 198 multi-family residential units.

Commission Member McReynolds asked if the noise from Sam Rayburn Tollway had been resolved. Mr. Sanchez stated that this does not affect the site.

Commission Member Stevens asked for clarification about the 400 multi-family residential unit cap on the property. Mr. Opiela stated that the original zoning allowed up to 400 units on this site, and indicated the only buildings circled in red are labeled for multi-family residential uses, while the remainder of the property is zoned for commercial, office and retail. He stated that the 400 multi-family residential units would have to be within the red circle as depicted on the zoning exhibit. Commission Member Franklin asked if this was in accordance with the development plan. Mr. Opiela stated that the zoning exhibit was titled "general development plan", and was a zoning exhibit attached to the zoning ordinance governing the property. Commission Member Stevens asked for clarification on whether the Commission was acting on taking away the commercial property and turning it into multi-family residential property. Mr. Opiela stated that the Commission was evaluating a site plan that showed multi-family residential uses in an area zoned for commercial uses per the zoning on the property.

Commission Member Gilmore asked if the 400 units could be built in the area designated on the zoning exhibit. Mr. Opiela deferred to the applicant, but clarified that the ordinance states "up to 400 units", but does not guarantee 400 units.

Commission Member Franklin asked Mr. Sanchez if he felt he had the right to build 400 units. Mr. Sanchez stated yes. He made further mention to the zoning exhibit, re-stating that the exhibit was always meant to be a sketch, and that it would never have been built in the configuration shown.

Commission Member Franklin stated that he felt the project would have to be at least 3 or 4 stories in order to build the 400 units on the designated area of the plan. Mr. Sanchez stated that they were already building to that height. Commission Member Franklin asked if there was a possibility for structured parking. Mr. Sanchez stated that if he had to build to the plan, his client would build a 10-story building with the amount of parking shown on the plan, which would not meet the minimum parking requirements. He stated that the zoning exhibit was always intended to be a general picture, not exact.

Commission Member Franklin asked for the distance between State Highway 121 and the southern edge of the apartments. Mr. Sanchez stated that the distance

between the right-of-way and the closest building was approximately 250 feet, which would suit pad sites along State Highway 121.

Mr. Sanchez discussed the potential connections between the multi-family residential development and State Highway 121. He stated that TXDOT would not approve the curb cuts shown on the zoning exhibit, and as such, driveways would also not align with the zoning exhibit.

Commission Member Stevens asked if the same client owned Millennium II, and how the two developments fit together. Mr. Sanchez stated that he represented a different client for Millennium II, and also represented the land owner, but coordinated between them.

Commission Member Stevens asked that if the item was voted down, was there a potential the applicant could return with a plan showing more commercial development along future Collin McKinney Parkway. Mr. Sanchez stated that was unlikely, as it did not make sense in that location, given that a large portion was already designated for the Millennium II multi-family development.

Commission Member Franklin referenced the Commission's concerns at the October 2014 meeting, and felt that the applicant had done a good job pulling the multi-family residential development away from State Highway 121. Commission Member Stevens felt that the City Council would vote the item down, as it was taking land away from commercial development.

Commission Member Gilmore stated that he felt the layout proposed was the best use for the property.

On a motion by Commission Member Gilmore, seconded by Commission Member McReynolds, the Commission voted unanimously to approve the site plan as requested by the applicant, with a vote of 6-0-0.

**14-284SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Fueling Station (Walmart), Located Approximately 190 Feet South of Bray Central Drive and on the East Side of Central Circle**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed site plan. She stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report.

Mr. David Van Leer, Cochran, 530-A E. Independence Dr., Union, MO, concurred with the Staff report and offered to answer questions.

Commission Member Zepp asked if Mr. Van Leer agreed with all of Staff's conditions listed in the Staff report. Mr. Van Leer said yes.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and recommend approval of the site plan per Staff's recommendations, with a vote of 6-0-0.

Chairperson Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting of February 3, 2015.

**14-296MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 2R and 3, Block C, of the Courtesy Dealership Addition, Located Approximately 990 Feet North of McKinney Ranch Parkway and on the West Side of Collin McKinney Parkway**

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed minor replat. She stated that Staff recommends approval of the proposed minor replat as conditioned in the Staff report.

Mr. Carlos Fernandez, 580 Decker Dr., Irving, TX, offered to answer questions. There were none.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing and approve the minor replat as recommended by Staff, with a vote of 6-0-0.

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

**14-335PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 2R and 3, Block A, and 1 Common Area (Boston Pizzeria Highway 121 Addition), Located Approximately 1,300 Feet East of Alma Road and on the South Side of Henneman Way**

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed preliminary-final replat. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report.

Mr. Jonathan Hake, Cross Engineering Consultants, 131 S. Tennessee St., McKinney, TX, concurred with the Staff report and offered to answer questions. There were none.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and approve the proposed preliminary-final replat request as recommended in the Staff report, with a vote of 6-0-0.

Chairperson Franklin stated that the Planning and Zoning Commission was the final approval authority for the preliminary-final replat.

**14-336MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lot 6R, Block A, of Hwy 121 Addition, Located Approximately 1,300 Feet West of Stacy Road and on the North Side of State Highway 121 (Sam Rayburn Tollway)**

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed minor replat. She stated that Staff recommends approval of the proposed minor replat as conditioned in the Staff report.

Mr. Jonathan Hake, Cross Engineering Consultants, 131 S. Tennessee St., McKinney, TX, concurred with the Staff report and offered to answer questions. There were none.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing and approve the minor replat as recommended by Staff, with a vote of 6-0-0.

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

**14-330PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 6R1, 7, 8, 9 and 10, Block A, of the Water Tower Addition, Located on the Southwest Corner of Virginia Parkway and Custer Road**

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed preliminary-final replat. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report.

Mr. Will Winkelmann, Winkelmann & Associates, 9816 Shoreview Rd., Dallas, TX, concurred with the Staff report and offered to answer questions. There were none.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and approve the proposed preliminary-final replat request as recommended in the Staff report, with a vote of 6-0-0.

Chairperson Franklin stated that the Planning and Zoning Commission was the final approval authority for the preliminary-final replat.

**14-350M      Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Section 146-42 (Temporary Uses) of the Zoning Ordinance Pertaining to Food Trucks and Temporary Food Sales**

Mr. Michael Quint, Director of Planning for the City of McKinney, explained the proposed amendments to Section 146-42 (Temporary Uses) of the Zoning Ordinance pertaining to food trucks and temporary food sales. He stated that Staff recommends approval of the proposed amendments to Section 146-42 (Temporary Uses) of the Zoning Ordinance.

Commission Member Stevens asked if the amendments addressed food truck courts. Mr. Quint said no. He explained that the Zoning Ordinance might be amended in the future to address food truck courts.

Commission Member Stevens had questions regarding the recommended locations for food trucks. Mr. Quint explained that Staff was recommending that a food truck not be located within 300' of any door, window, or outdoor dining area of any existing restaurant(s) or food service establishment(s). He stated that food trucks shall be exempted from this requirement with the express written permission of the restaurants' or food service establishments' owner or authorized representative. Mr. Quint stated that food trucks shall not be allowed to engage in sales operations within 1,000' of one another.

Commission Member Stevens had questions regarding food truck courts. Mr. Quint stated that they are not intending to address food truck courts with these amendments. He suggested that the ordinance be amended at a later time to address



them. Mr. Quint explained that there were some exceptions where multiple food trucks could participate at special events in McKinney.

Commission Member Zepp questioned why the distance a food truck could be located was not the same for a restaurant or food service location verses another food truck. He felt it would be better to have the same distance requirement to help with enforcement. Mr. Quint stated that under the proposed ordinance that there was a two-prong approval system with the City's Health Officials or Code Department inspecting the food truck and The Building Inspections Department approving the site location. Commission Member Zepp suggested changing the verbiage to say that a food truck could not be located within 300' of a restaurant, food service location, or another food truck. He wanted the required separation distances to be consistent. Mr. Quint stated that he would share this suggestion with City Council.

Commission Member Stevens had questions regarding food truck courts. Mr. Quint stated that someone could request that the zoning be modified on a piece of property to change the regulations. He explained that several people had come to the City requesting food truck courts; however, Staff did not feel the proposed locations were appropriate for that use. Mr. Quint stated that multiple food trucks had participated in various special events in McKinney with positive results.

Commission Member Zepp stated that he had seen a food truck at the Chestnut Square Farmer's Market. He felt more food trucks might want to participate at the event in the future. Mr. Quint felt that would fall under a farmers' market, which would be exempted from these proposed requirements.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Zepp, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Zepp was in favor of the amendments and anticipated additional food trucks at other City venues. Chairperson Franklin concurred with his comments.

On a motion by Commission Member McReynolds, seconded by Commission Member McCall, the Commission voted unanimously to recommend approval of the

proposed amendments to Section 146-42 (Temporary Uses) of Chapter 146 (Zoning Regulations) of the Code of Ordinances as listed in the staff report, with a vote of 6-0-0.

Chairperson Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting of February 3, 2015.

**15-039      Discuss Possible Amendments to the Architectural and Site Standards Ordinance (Section 146-139 of the Code of Ordinances)**

Mr. Michael Quint, Director of Planning for the City of McKinney, explained the possible amendments to the Architectural and Site Standards Ordinance (Section 146-139 of the Code of Ordinances) listed in the Staff report, gave a brief history of the current ordinance, showed examples of what would and would not be approved under the proposed regulations in a Power Point presentation, and discussed the timeline for adoption of the amendments to the ordinance. He stated that Staff was requesting feedback from the Commission as to the basic framework of an architectural standards ordinance and feedback on a preliminary set of draft regulations. Mr. Quint stated that a joint meeting between the City Council and Planning and Zoning Commission would be held on January 26, 2015 for any last minute feedback before starting the adoption proceedings.

Chairperson Franklin asked about the new materials that would be allowed. Mr. Quint stated that architectural wood accents, lap siding, architectural metal panels, and other materials which were visually and physically indistinguishable from the other approved exterior finishing materials.

Chairperson Franklin stated that he was in favor of stucco material being added as an approved exterior finishing material. Mr. Quint felt that a balance between masonry and stucco materials was more appropriate on the exterior of buildings. He felt the proposed amendments were much more flexible than the current regulations.

Commission Member McReynolds asked about the modifications to the offset requirements. Mr. Quint stated that the offset had been increased from 30' to 50' based on Commission Member McReynolds' recommendation. He stated that the requirement could be suspended by the Director of Planning, in limited cases.

Commission Member Stevens asked if each elevation would be required to have a certain percentage amount of approved materials on each elevation. Mr. Quint stated

that each elevation would be required to have 50% masonry in the proposed amendments; however, when a project did not meet the requirement it could come before the Planning and Zoning Commission for a decision if it was appropriate or not.

Commission Member Zepp felt that more than one of the optional requirements of the Draft Architectural and Site Standards Regulations should be required. Mr. Quint felt that requiring one of the ten items listed as a requirement and making the rest optional would create a higher quality product. He felt these items would be incentives to the developers. Mr. Quint stated that some of these items listed would be not appropriate for all projects.

Commission Member Zepp felt that all primary and secondary building entrances should be required to feature a recessed entry, canopy, awning, or similar sheltering. He also felt that the building's required off-street parking should be required to be screened from the view of a public right-of-way or properties zoned or used for residential purposes. Mr. Quint felt it would be too restrictive. He asked if the Commission was in consensus with making these items mandatory. The rest of the Commission felt it was too detailed.

Commission Members Stevens and Zepp had questions regarding screening mechanical and heating, ventilating, and air conditioning equipment. Mr. Quint explained that the goal was to incentivize placing this type of equipment on the roof. He stated that it would have to be screened if it was on the roof or ground.

Commission Member Stevens asked if a requirement could be made to keep dumpster enclosure doors closed. He asked about options that would automatically close the doors. Mr. Quint stated that springs could be placed on the doors to help keep them closed. He was not sure how to make that mandatory though and felt it was probably best left for a later discussion.

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

Mr. Michael Quint, Director of Development Services for the City of McKinney, reminded the Commission of the joint meeting with City Council and the Planning and Zoning Commission scheduled for January 26, 2015 at 5:30 p.m. in the Council Chamber. He stated that they would be discussing the Northwest Sector Study and the

possible amendments to the Architectural and Site Standards Ordinance (Section 146-139 of the Code of Ordinances).

There being no further business, Chairperson Franklin declared the meeting adjourned at 9:55 p.m.

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RICK FRANKLIN  
Chairperson