

## PLANNING AND ZONING COMMISSION

MAY 24, 2011

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on May 24, 2011 at 6:30 p.m.

Commissioners Present: Chairman Robert S. Clark, Vice-Chairman Darrell Tate, Jack Radke, and Ray Eckenrode. Absent: George Bush, Sean Lingenfelter, and Larry Thompson.

Staff Present: Director of Planning Jennifer Cox; Assistant Director of Engineering Michael Hebert; Senior Utility Engineer Paul Tucker; Senior Planners: Brandon Opiela, Michael Quint, and Jennifer Arnold; Planners: Abra Nusser, Anthony Satarino, and Craig Sykora; and Administrative Assistant Terri Ramey.

There were approximately 30 guests present.

Chairman Clark called the meeting to order at 6:30 p.m. after determining a quorum present.

Chairman Clark announced that agenda item 11-081CVP would be removed from the Consent Agenda and considered as a regular item at the request of the applicant. The Commission unanimously approved the motion by Commissioner Jack Radke, seconded by Vice-Chairman Tate, to approve the following three consent items:

- 11-001PZ** Minutes of the Planning and Zoning Commission Regular Meeting of May 10, 2011
- 11-067PF** Consider/Discuss/Act on the Request by Birkhoff, Hendricks & Carter, L.L.P., on Behalf of the City of McKinney, for Approval of a Preliminary-Final Plat for Lot 1, Block A, of the Hardin Elevated Storage Tank Addition, Approximately 2.43 Acres, Located on the North Side of Virginia Parkway and Approximately 850 Feet West of Hardin Boulevard.
- 11-047PF** Consider/Discuss/Act on the Request by Sanchez & Associates, L.L.C., on Behalf of Willivy Development, L.P., and JBGL Inwood, L.L.C., for Approval of a Preliminary-Final Plat for 59 Single Family Residential Lots (Wiskbrook Estates), Approximately 31.76 Acres, Located on the West

Side of Hardin Boulevard and Approximately 2,000 Feet North of Virginia Parkway.

END OF CONSENT

**11-081CVP** Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by C & C Development, L.P., on Behalf of McKinney Seven 28, L.P., and Festival Center, for Approval of a Conveyance Plat for Lot 6, Block A, of the Henneman-Stacy Addition, Approximately 13.48 Acres, Located on the Southwest Corner of Collin McKinney Parkway and Stacy Road. Mr. Brandon Opiela, Senior Planner for the City of McKinney, explained that Staff recommends that the item be tabled until the June 14, 2011 Planning and Zoning Commission Meeting, per the applicant's request. The Commission unanimously approved the motion by Commissioner Radke, seconded by Commissioner Eckenrode, to table the conveyance plat as recommended by Staff.

**11-060Z** Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by Ronald Lustig, for Approval of a Request to Rezone Approximately 0.28 Acres from "RS 60" - Single Family Residence District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Modify the Development Standards, Located on the Northwest Corner of Barnes Street and Griffin Street. Ms. Abra Nusser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to reduce the minimum lot width by two feet, reduce the front-yard setback required off of Griffin Street by ten feet, and increase the maximum density to 7.07 per acre. Ms. Nusser stated that the applicant wishes to subdivide the property into two lots. She stated that Staff recommends denial of the proposed rezoning request due to the fact that the current lot is buildable in its current state without the need for a rezoning request and due to nonconformance to the City of McKinney's Comprehensive Plan. Mr.

Barry Barnes, The Bungalow Company, 504 W. Wood, McKinney, TX, explained the rezoning request. He stated that their company does infill in McKinney's History District. Mr. Barnes stated that the density being requested is typical for the Historic District. He stated that their products are typically in the \$200,000 or less range. Mr. Barnes stated that they would need to subdivide the lot to build two residential properties to stay within this price range. He discussed trying to save the trees on the property. Chairman Clark asked Ms. Nusser to describe the differences in what is allowed by ordinance and what the applicant is requesting. Ms. Nusser stated that the front-yard setback off of Griffin Street is currently required to be 25 feet per "RS-60" - Single Family Residence District and the applicant is proposing a 15-foot setback. She stated that the property has a required minimum lot width of 50 feet and they are proposing 48.02 feet on the east side and 49.5 feet on the west side. Ms. Nusser stated that the "RS-60" - Single Family Residence District requires a maximum density of 7.00 dwelling units per acre. She stated that with two residential structures on the property, they would have a density of 7.07 dwelling units per acre. Chairman Clark asked about the proposed setbacks and why Staff was uncomfortable with the setbacks. Ms. Nusser stated that the applicant could build one residential structure on the property and it could comply with all requirements without a rezoning request. Chairperson Clark opened the Public Hearing and called for comments. The following three citizens spoke in opposition of the proposed rezoning request. These citizens had concerns about changing the historic character of the neighborhood, reducing the large lots in the neighborhood, tree removal, street addressing, increased traffic, and what precedent the rezoning request would set by subdividing larger lots into smaller lots within McKinney's Historic District:

- Ms. Marie Driskill, 1007 Cole Street, McKinney, TX
- Mr. A. M. Scott, 1201 Howell Street, McKinney, TX

- Mr. James Long, 608 Parker Street, McKinney, TX

Mr. Barry Barnes stated that they try to save trees on their properties. Ms. Abra Nusser stated that the applicant is planning to remove one diseased tree and is not proposing to include any tree-related provisions in the proposed planned development district. The Commission unanimously approved the motion by Vice-Chairman Tate, seconded by Commissioner Ray Eckenrode, to recommend denial of the proposed rezoning request. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council for action on June 21, 2011.

**11-065SUP** Chairman Clark called for 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 Specific Use Permit to Allow for a Restaurant with Drive Through, Approximately 1.34 Acres, Located on the South Side of Eldorado Parkway and Approximately 200 Feet West of Hudson Crossing. Mr. Anthony Satarino, Planner for the City of McKinney, stated that the applicant is proposing to construct a Braum's Ice Cream Store with a drive-through window totaling 5,756 square feet. He stated that the subject property is located within PD 2011-05-031, recently adopted by City Council on May 17, 2011. Mr. Satarino stated that under the governing planned development ordinance, the subject property is to develop under the base zoning designation of "BN" – Neighborhood Business District. He stated that within the "BN" – Neighborhood Business District, restaurants with drive-through windows require the approval of a specific use permit. Mr. Satarino stated that if this specific use permit request is approved, the applicant will be required to submit a site plan and landscape plan, meeting all regulations stipulated in the Zoning Ordinance prior to the issuance of a building permit. He stated that Staff feels that the proposed use of the subject property is in keeping with the intent of the governing planned development district, by providing for limited commercial uses

-serving the frequent needs of the residents of the immediate vicinity. Mr. Satarino stated that Staff does not anticipate that the specific use permit request would have a negative impact on existing or future developments in the area. He stated that Staff recommends approval of the specific use permit as conditioned in the staff report. Mr. Arlyn Samuelson, Pogue Engineering & Development Company, Inc., 1512 Bray Central Drive, McKinney, TX, asked for approval of this request and offered to answer questions. Chairman Clark opened the Public Hearing and called for comments. There being none, the Commission unanimously approved the motion by Commissioner Radke, seconded by Vice-Chairman Tate, to close the Public Hearing and recommend approval of the proposed specific use permit (SUP) with the special ordinance provision listed in the staff report. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 21, 2011.

**11-053SP** Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of Brandon Tomes Subaru, for Approval of a Site Plan for a Car Dealership (Brandon Tomes Subaru), Approximately 2.26 Acres, Located on the Southwest Corner of North Brook Drive and U.S. Highway 75 (Central Expressway). Mr. Anthony Satarino, Planner for the City of McKinney, explained the application. He stated that the applicant is proposing to construct an 18,585 square foot automobile sales facility and would include a showroom, administrative offices, and service shop. Mr. Satarino stated that the subject property was recently rezoned to a base of "C" – Planned Center District at the City Council Meeting held on May 17, 2011. He stated that the proposed use is an allowed use in the governing district. Mr. Satarino discussed the requested variances. He stated that Staff recommends approval of the site plan as conditioned in the staff report. Mr. Jon David Cross, Cross Engineering Consultants, 106 W. Louisiana Street, McKinney, TX, stated that he is agreement with

the recommendations as recommended in the staff report and offered to answer questions regarding the site plan. Chairman Clark opened the Public Hearing and called for comments. There being none, the Commission unanimously approved the motion by Vice-Chairman Tate, seconded by Commissioner Jack Radke, 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.

**11-064ME** Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by Bob Tomes Ford, on Behalf of Zerga Investments I, Ltd., for Approval of a Meritorious Exception for Brandon Tomes Subaru Dealership, Approximately 2.26 Acres, Located on the Southwest Corner of North Brook Drive and U.S. Highway 75 (Central Expressway). Mr. Anthony Satarino, Planner for the City of McKinney, explained the application. He stated that the applicant is requesting a meritorious exception to the Architectural and Site Standards section of the Zoning Ordinance for an automobile sales facility (Brandon Tomes Subaru). He stated that the applicant has indicated that the proposed elevations for the building display a modern style of architecture which is characterized by a composition of metal paneling, a glass curtain wall system and a parapet roof. Mr. Satarino stated that in an effort to combine the modern style with traditional architectural styles, the applicant is proposing to use natural slate and neutral colored brick finishing materials. He stated that the meritorious exception is being requested because the proposed architectural elevations exceed the maximum percentage of allowed architectural metal finishing material on two of the elevations of the proposed building. Mr. Satarino stated that Staff feels that the applicant has pursued a design that is modern while using traditional finishing materials to create a unique blend of architectural styles. He stated that the use of metal paneling should not detract from the overall design and quality of the building, but should instead enhance the visual interest of

the building through the use of contrasting materials and textures, making the request meritorious. Mr. Satarino stated that Staff recommends approval of the meritorious exception as conditioned in the Staff report. Vice-Chairman Tate asked if the architecture of the proposed building is a Subaru requirement. Mr. Satarino suggested that the applicant answer that question. Mr. Michael McIntosh, Jr., McIntosh Architecture, 7816 LBJ Freeway # 660, Dallas, TX, stated that the proposed architecture is very common for Subaru dealerships. Chairman Clark opened the Public Hearing and called for comments. There being none, the Commission unanimously approved the motion by Commissioner Jack Radke, seconded by Commissioner Ray Eckenrode, to close the Public Hearing and approve of the meritorious exception. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed meritorious exception.

**11-058SP** Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by PM Realty Group, for Approval of a Site Plan for a Medical Office Building (Methodist McKinney Medical Campus), Approximately 12.91 Acres, Located on the Northwest Corner of Stonebridge Drive and Eldorado Parkway. Ms. Abra Nusser, Planner for the City of McKinney, explained the application. She stated that the subject property has an existing hospital building. Ms. Nusser stated that the Zoning Ordinance requires minimum standards for parking, screening, and landscaping and that the applicant has met these maximum requirements. Ms. Nusser stated that the Zoning Ordinance requires that all loading spaces be within 25 feet of the building they serve. She stated that the applicant is requesting a variance for the loading space to be located near the building, but farther than the maximum requirement of 25 feet. Ms. Nusser stated that Staff feels the proposed loading space satisfies the intent of the Off-street Loading Ordinance and recommends approval of the variance for the proposed loading space location. She stated that per the governing planned

development district's regulations, architectural building elevations are subject to review and approval of the Planning and Zoning Commission at the time of site plan approval. Ms. Nusser stated that the applicant has submitted elevations for consideration, and Staff feels that they generally conform to the elevations attached to the governing planned development district. She stated that Staff recommends approval of the proposed site plan with the conditions listed in the staff report. Vice-Chairman Tate asked about the turn lane condition listed in the staff report. Ms. Nusser stated that the condition is to change the middle exit lane onto Eldorado Parkway from a left turn only movement to allow for both left and right turns. The applicant did not wish to speak at the meeting. Chairman Clark opened the Public Hearing and called for comments. There being none, the Commission unanimously approved the motion by Vice-Chairman Tate, seconded by Commissioner Jack Radke, to close the Public Hearing and approve of 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.

**11-068SP** Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by Birkhoff, Hendricks & Carter, L.L.P., on Behalf of the City of McKinney, for Approval of a Site Plan for a City Elevated Water Storage Tank, Approximately 2.43 Acres, Located on the North Side of Virginia Parkway and Approximately 850 Feet West of Hardin Boulevard. Ms. Abra Nusser, Planner for the City of McKinney, explained the application. She stated that the elevated water storage tank is proposed to be 218 feet tall. Ms. Nusser stated that enhanced landscaping and screening is proposed, and the City plans to preserve a significant number of the trees that currently exist on the subject property. She stated that the proposed site plan also reflects four potential future wireless communication equipment shelter pads. Ms. Nusser stated that the placement of the wireless communication equipment is typical on



elevated water storage tank sites in the City. She stated that all proposed site plans for City-owned property are considered by the City Council. Ms. Nusser stated that the conditions listed in the staff report are minor and should not be layout changing. She stated that Staff recommends approval of the proposed site plan with the conditions listed in the staff report. Chairman Clark stated that the City has already purchased the property to construct the elevated water storage tank. He stated that the Planning and Zoning Commission is considering the site plan at this meeting, not the location of where the elevated water storage tank will be located. Chairman Clark opened the Public Hearing and called for comments. The following six citizens spoke in opposition to the proposed site plan. These citizens had concerns about the location of the elevated water storage tank, possible decrease in property values of the Inwood Hills residential subdivision, removal of the trees on the subject property, dust and debris during the building process, and visual appearance of the elevated water storage tank:

- Clint Henderson, 408 Elm Creek Drive, McKinney, TX
- Alma Rodriguez, 4109 Valley Ridge Lane, McKinney, TX
- Mitchell Curry, 400 James Herndon Trail, McKinney, TX
- Donna Maestas, 504 Elm Creek Drive, McKinney, TX
- Carlos Rivera, 4109 Valley Ridge Lane, McKinney, TX
- Julia Jiang, 3817 Lakehill Lane, McKinney, TX

Chairman Clark reiterated that the Commission was not considering the location of the elevated water storage tank. He stated that the Commission was only considering the site plan's conformance to the Zoning Ordinance. Ms. Nusser stated that there are a number of existing trees on the subject property. She stated that the City will try to preserve as many trees as possible. Ms. Nusser stated that tree preservation fencing will be installed, and that the City is installing more trees than what is required. Ms. Nusser described the proposed landscaping for the

subject property. Mr. Michael Hebert, Assistant Director of Engineering for the City of McKinney, stated that construction sites typically produce some dust and debris; however, the City would try to minimize it as much as possible. He described how the site for the elevated water storage tank was selected in relation to the City's water needs and the City's Master Plan. Vice-Chairman Tate asked when the property was purchased. Mr. Hebert stated that he believed it was purchased last year. Commission Member Radke asked if the property was purchased to build the elevated water storage tank. Mr. Hebert said yes. Vice-Chairman Tate stated that the Planning and Zoning Commission does not have the authority to change the location where the elevated water storage tank would be built. He suggested that the homeowners attend the City Council meeting being held on June 21, 2011 to express their concerns. The Commission unanimously approved the motion by Vice-Chairman Tate, seconded by Commissioner Jack Radke, to close the Public Hearing and approve of the proposed site plan as conditioned in the staff report. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 21, 2011.

**11-059M** Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Semiannual Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Mr. Craig Sykora, Long Range Planner for the City of McKinney, explained the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees as required by Chapter 395 of the Texas Local Government Code. He stated that Staff recommends filing of the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Chairperson Clark opened the Public Hearing and called for comments. There being none, the Commission unanimously approved the motion by Commissioner Jack Radke, seconded by Vice-Chairman Tate, to close

the Public Hearing and recommend filing of the semiannual report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting of June 21, 2011.

ADJOURN

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ROBERT S. CLARK  
Chairman