

## PLANNING AND ZONING COMMISSION

FEBRUARY 25, 2014

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, February 25, 2014 at 6:00 p.m.

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

Commission Member Absent: David Kochalka

Staff Present: Planning Manager Brandon Opiela, Planners Samantha Gleinser and Steven Duong, and Administrative Assistant Terri Ramey

There were approximately 13 guests present.

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

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

Chairman Franklin continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Commission Member Osuna, seconded by Commission Member Thompson, to approve the following three Consent Items with a vote of 6-0-0.

**14-223 Minutes of the Planning and Zoning Commission  
Regular Meeting of February 11, 2014**

**14-023PF Consider/Discuss/Act on the Request by Burgess &  
Niple, Inc., on Behalf of Davis Development, Custer**

**Road II, L.L.C., for Approval of a Preliminary-Final Plat for Lots 1 and 2, Block A, of the Davis Development Custer Road Addition, Being Fewer than 28 Acres, Located on the East Side of Custer Road and Approximately 1,500 Feet North of Stacy Road**

**14-018PF Consider/Discuss/Act on the Request by Glenn Engineering Corporation, on Behalf of Emerald Cottages Stonebridge, Ltd., for Approval of a Preliminary-Final Plat for Lot 3R, Block A, of Parcel 905 Addition, Being Fewer than 6 Acres, Located Approximately 900 Feet North of Eldorado Parkway and Approximately 300 Feet East of Alma Road**

**END OF CONSENT**

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

**14-034Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of R.D. Offutt Company, for Approval of a Request to Rezone Fewer than 11 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Southeast Corner of U.S. Highway 75 (Central Expressway) and Wilmeth Road**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with Section 146-130 (Vehicle Parking), Section 146-135 (Landscape Requirements), and Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.

Commission Member Thompson wanted to clarify that moving the proposed fence around the detention pond area to increase the landscaping buffer would allow the property to meet the City's requirement. Ms. Gleinser said yes.

Vice-Chairman Bush asked where the applicant proposed to use gravel instead of paving material on the property. Ms. Gleinser stated that the applicant proposed to use gravel in the overnight storage area.

Vice-Chairman Bush had questions about the increase in the size of the overnight storage area. Ms. Gleinser stated that the initial request was for one and a half acres; however, the current rezoning request is for approximately three acres of land. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that the ordinance allows gravel as a paving material for the unloading and loading of special

tracked equipment. He stated that Staff felt that three acres was plenty of space to allow for both the maneuvering of equipment on a gravel surface and the parking of equipment on a paved surface.

Commission Member Gilmore asked about the screening between this property and the Eldorado Chevrolet. Ms. Gleinser stated that the existing tree line would be used as screening.

Commission Member Thompson asked Staff how much of the property they wished to see with a concrete surface. Mr. Opiela stated that Staff did not have an exact number at that time. He stated that Staff felt that a graveled three-acre area along a commercial corridor was inappropriate.

Commission Member Thompson asked Staff if they would be comfortable with having concrete storage areas on the perimeter of the property and gravel in the center for unloading and loading of the heavy, tracked equipment. Mr. Opiela stated that was what Staff recommended.

Mr. Jeff Schaumann, R.D. Offutt Company, 700 S. 7<sup>th</sup> Street, Fargo, ND, explained the proposed rezoning request. He stated that they would be willing to move the fence around the detention pond to meet the landscape buffer requirements. Mr. Schaumann stated that height of the building had changed to screen the rooftop mechanical equipment. He explained why they were requesting gravel instead of concrete pads. Mr. Schaumann showed some photographs where the concrete was starting to break. He stated that they believe this location will be their largest store and this was why they were increasing the size of the property. Mr. Schaumann stated that the business would be a good asset for the community and for McKinney's tax base.

Vice-Chairman Bush expressed concerns about the proposed use of the property giving an industrial look along Wilmeth Road. Mr. Schaumann stated that they intend to hide some of the proposed gravel and equipment with a fence and living screen. Vice-Chairman Bush did not feel that the proposed screening would hide the large equipment. Mr. Schaumann offered to increase the height of the screening shrubs.

Commission Member Thompson asked if Mr. Schaumann would be willing to use concrete on the periphery of the property and increase the screening. Mr. Schaumann said yes; however, he felt that the concrete would become damaged over time.

Commission Member Thompson felt that if the equipment was driven properly then the damage to the concrete would be less than Mr. Schaumann described. Commission Member Gilmore felt that the tracks of the heavy equipment would be hard on concrete. Mr. Schaumann stated that the edges of the concrete were the most vulnerable. Commission Member Thompson stated that rubber bumpers could be placed on the edges of the concrete pads to address this issue.

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

Commission Member Gilmore verified that the previous rezoning case had been approved by City Council. Mr. Opiela said yes.

Chairman Franklin expressed concerns about the amount of gravel requested on the site.

Commission Member Gilmore felt the concrete would break up under the tracks of the heavy equipment.

Commission Member Thompson felt that concrete pads with rubber bumpers would address some of those issues if the heavy equipment was driven straight on and off of the concrete pads.

Chairman Franklin asked how to recommend and enforce a certain amount of concrete pads on the property. Mr. Opiela stated that the Commission could recommend a certain number of overnight storage spaces with concrete pads.

Commission Member Osuna asked about the proposed living screen around the property. Mr. Opiela stated that generally they are evergreen shrubs that are three feet tall when planted and they should grow to be a minimum of six foot tall. He stated that they are typically spaced on three- to four-foot centers.

Commission Member Gilmore asked how deep the concrete pads would be if they were required on the property. Mr. Schaumann stated that the approved site plan has the parking stalls at 12 feet across and 24 feet deep; therefore, they would pour them 24 feet deep.

On a motion by Commission Member Thompson, seconded by Vice-Chairman Bush, the Commission unanimously voted to recommend approval of the rezoning request as requested by the applicant with the special ordinance provisions listed in the staff report, with several modifications including that all screening shrubs be six feet tall at the time of planting, the landscape buffer along Redbud Boulevard encompass the detention pond, and that concrete pads be provided for the overnight storage of the tracked equipment, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 18, 2014.

**13-270SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Texas Development Services, on Behalf of Victory 380 Investments, L.L.C., for Approval of a Site Plan for a Retail Store and Pharmacy with Drive Through (Walgreens), Being Fewer than 2 Acres, Located on the Northeast Corner of Lake Forest Drive and U.S. Highway 380 (University Drive)**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed site plan and the variance request to reduce a portion of the 20-foot landscape buffer along Lake Forest Drive frontage to approximately 15 feet. He stated that Staff recommends approval of the proposed site plan as conditioned in the staff report; however, Staff recommends denial of the variance request since Staff does not believe that the reasoning for the variance meets the "unique circumstances" provision of the Zoning Ordinance.

Vice-Chairman Bush wanted to clarify that the 20-foot landscape buffer requirement was exclusive of the extra space that a deceleration lane takes. Mr. Duong said yes.

Commission Member Thompson asked how far the landscape buffer would be deficient along the deceleration lane. Mr. Duong stated that the southern end would be deficient about four and a half feet and the northern end was deficient about one and a half feet.

Commission Member Thompson asked if the applicant moved the building four and a half feet if it would still meet all of the requirements. Mr. Opiela said no.

Chairman Franklin asked if the applicant was aware of the landscape buffer issue beforehand. Mr. Opiela said yes. Chairman Franklin asked if the applicant had a pre-

development meeting with Staff to discuss the project and possible issues with the proposed development. Mr. Opiela said yes.

Commission Member Thompson asked who was responsible for requesting the deceleration lane. Mr. Opiela stated that the City of McKinney Engineering Department determined that this use would trigger the need for a deceleration lane.

Mr. Mardy Brown, Texas Development Services, 1512 Crescent Drive, Carrollton, TX, explained the proposed site plan and the variance request. He stated that they became a part of the project around October 2013. Mr. Brown stated that a deceleration lane was not mentioned to them until they submitted the site plan application. He stated that if they had known about the deceleration lane requirement prior to purchasing the property then the property would not have been sold to Walgreens. Mr. Brown stated that they were willing to upgrade the landscaping to help address the reduction in the landscape buffer along Lake Forest Drive. He stated that there was also 11 feet of parkway between the curb of the road and the property line on top of the landscape buffer requirement of 20 feet. Mr. Brown stated that it would be a loss of one and a half to four and a half feet of the 31 feet between the parking lot curb and the roadway. He stated that they are proposing a standard Walgreens building on the property.

Chairman Franklin asked the applicant if they own the adjacent land. Mr. Brown said no. Chairman Franklin asked if there was a way to purchase additional land to address the landscape buffer issue. Mr. Brown said no. Chairman Franklin asked what was planned adjacent to this property. Mr. Brown stated that a Taco Bell was planned for that property.

Commission Member Thompson asked what options were available to address the landscape buffer issue. Mr. Opiela stated that the Planning and Zoning Commission could approve a reduction in the required landscape buffer on the property. He expressed concerns about reducing the landscape buffer along a major arterial road in a greenfield development. Mr. Opiela stated that many of the major corners have deceleration lanes.

Commission Member Thompson asked why the applicant did not know about the deceleration lane requirement with retail development planned on the property. Mr.

Opiela felt that the property was purchased prior to some of the meetings with Staff discussing the requirements for the proposed development. Mr. Brown stated that he was not aware of the deceleration lane requirement until after the site plan application was submitted to Staff.

Chairman Franklin asked the applicant when they purchased the property. Mr. Brown stated that it was about three months ago.

Chairman Franklin and Commission Member Thompson were willing to accept an upgrade in landscaping to offset the decrease in the landscape buffer on the property. Mr. Brown stated that they were willing to accept the recommendations of the City of McKinney Arborist for the landscaping upgrades for the site. Mr. Opiela stated that he would prefer to have the landscaping upgrades defined in the Planning and Zoning Commission's approval of the request. He gave some examples including increasing the size of the trees required on the property.

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

On a motion by Vice-Chairman Bush, seconded by Commission Member Thompson, the Commission voted unanimously to approve the proposed site plan, approve the variance request to reduce the landscape buffer along Lake Forest Drive to approximately 15 feet as requested by the applicant, and require that all trees located within the landscape buffer be a minimum of five inches in caliper and planted at a ratio of one tree per 30 linear feet, with a vote of 6-0-0.

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

**14-032MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering and Development Company, on Behalf of Custer Investment, L.L.C., for Approval of a Minor Replat for Lots 1R1, 1R2, and 1R3, Block A, of the Eldorado-Custer Addition, Being Fewer than 14 Acres, Located on the Northeast Corner of Stonebridge Drive and Custer Road**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed minor replat. He stated that a revised staff report was distributed prior to the Planning

and Zoning Commission meeting that added one additional staff recommendation. Mr. Duong stated that Staff recommends approval of the proposed minor replat as conditioned in the revised staff report.

Mr. Rhett Dollins, Pogue Engineering and Development Company, 1512 Bray Central Drive, McKinney, TX, concurred with the revised staff report and offered to answer questions.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Osuna, seconded by Commission Member Gilmore, the Commission unanimously approved the motion to close the public hearing and approve the proposed minor replat as conditioned in the revised staff report, 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.

**13-242SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Ronald Lustig and Jason Rose, for Approval of a Site Plan for a Multi-Family Development, Being Fewer than 2 Acres, Located on the Northeast Corner of Chestnut Street and Walker Street**

Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained the proposed site plan and request for a design exception to the McKinney Town Center District's Design Standards for the rear facing garage doors. He stated that Staff recommends approval of the proposed site plan as conditioned in the staff report.

Mr. Ron Lustig, 733 Creek Valley Court, Allen, TX, concurred with the staff report and offered to any questions.

Chairman Franklin opened the public hearing and called for comments.

Ms. Beth Bentley, 503 N. Chestnut Street, McKinney, TX, stated that she was representing her mother, Shirley Mack. She stated that her mother also owned property at 505 N. Chestnut Street, McKinney, TX. Ms. Bentley stated that she had spoken with Mr. Lustig and he had answered some of their questions. She expressed concerns over the number of people allowed to live in each proposed multi-family unit, lease terms, exterior maintenance of the structures including storage areas, adhering to the City of McKinney Code of Ordinances, off-street parking, traffic issues, and felt that fitting eight units on the property was too tight.



Ms. Alice Johnson, 506 N. Chestnut Street, McKinney, TX, stated that she also owned the property at 504 N. Chestnut Street, McKinney, TX. She stated that she agreed with Ms. Bently's concerns mentioned earlier. Ms. Johnson asked if there would be a retaining wall or privacy screening between her property and the proposed property. She also expressed concerns about new property owners not sharing the same intentions as Mr. Lustig.

Mr. Mark Chastain, 511 N. Chestnut Street, McKinney, TX, expressed concerns about parking and traffic issues on Walker Street and lease terms of the units.

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

Commission Member Hilton asked Staff to address the concerns about Walker Street. Mr. Opiela stated that the City of McKinney Engineering Department will research into whether or not there is room to pass on Walker Street. He stated that No Parking signs could be installed along Walker Street if there was not enough room for passage.

Commission Member Thompson asked if the proposed site plan met the parking requirements. Mr. Opiela said yes.

Mr. Opiela stated that the McKinney Town Center District allows for multiple uses and does allow this use by right. He agreed that it was a tight site; however, they had met all of the City's requirements for the property.

Mr. Opiela stated that the applicant proposed a row of evergreen shrubs along the northern property line as the residential transitional screening device, which meets the ordinance requirement. He stated that the applicant would not need to screen the eastern property line. He briefly discussed the proposed landscaping plans along Chestnut Street.

Commission Member Gilmore asked where guests would park if No Parking signs are installed along Walker Street. Mr. Opiela stated that they could park on nearby streets that have available space for parking.

Vice-Chairman Bush wanted to clarify that Staff was asking the Planning and Zoning Commission if they were willing to approve one garage door per unit versus the requirement of two garage doors per unit. Mr. Opiela said yes.

Mr. Opiela stated that Staff was not able to regulate the lease times of the units. He stated that the City of McKinney Code Department would enforce the Code of Ordinances that stipulate how many individuals were allowed to live in the units.

On a motion by Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted unanimously to approve the proposed site plan request as recommended in the staff report, with a vote of 6-0-0.

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

There being no further business, Chairman Franklin declared the meeting adjourned at 6:56 p.m.

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RICK FRANKLIN  
Chairman