

## **PLANNING AND ZONING COMMISSION**

**JUNE 28, 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 June 28, 2011 at 6:30 p.m.

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

Staff Present: Director of Planning Jennifer Cox, Senior Planners Brandon Opiela and Michael Quint, Planners Abra Nusser and Anthony Satarino, and Administrative Assistant Terri Ramey

City Council Member Present: Ray Ricchi

There were approximately 35 guests present.

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

Chairman Robert Clark explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be further considered by City Council at its regularly scheduled meeting of July 19, 2011, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by June 30, 2011. Chairman Robert Clark 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. He 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. Chairman Robert Clark asked that everyone treat others with respect, be concise in all comments, and avoid over talking issues.

Chairman Robert Clark announced that agenda item 11-075PF would be considered separately when voting on the consent items.

The Commission unanimously approved the motion by Commissioner Lingenfelter, seconded by Commissioner Thompson, to approve the following two consent items:

**11-003PZ Minutes of the Planning and Zoning Commission Regular Meeting of June 14, 2011.**

**11-071PF Consider/Discuss/Act on the Request by Standard Pacific of Texas, for Approval of a Preliminary-Final Plat for 354 Single Family Residential Lots and 11 Common Areas (Stone Hollow Addition), Approximately 83.28 Acres, Located on the East Side of Alma Road and on the North Side of Silverado Trail.**

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

The Commission unanimously approved the motion by Commissioner Thompson, seconded by Commissioner Bush, to approve the following consent item:

**11-075PF Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, Inc., on Behalf of Reins Investments, Ltd. and Barbara Lindsay, for Approval of a Preliminary-Final Plat for 237 Single Family Residential Lots and 18 Common Areas (Wynn Ridge), Approximately 74.58 Acres, Located on the West Side of Ridge Road and Approximately 1,600 Feet North of Virginia Parkway.**

Commission Member Ray Eckenrode returned to the Commission Dias.

#### **END OF CONSENT**

Chairman Robert Clark stated that agenda item 11-092SUP would be moved to the beginning of the regular agenda items to accommodate the applicant who had an early flight home.

**11-092SUP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Esterly, Schneider & Associates, Inc., AIA, on Behalf of O'Reilly Automotive, Inc., to Extend the Approval for an Existing Specific Use Permit for an Indoor Automotive Parts Sales Building (O'Reilly Auto Parts), Approximately 0.78 Acres, Located on the West Side of Custer Road and Approximately 900 Feet North of Virginia Parkway.**

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report. She stated that the applicant is requesting an extension of the approval for an existing specific use permit for an indoor automotive parts sales building, O'Reilly Auto Parts. Ms. Nusser stated that the applicant already received approval of a specific use permit in November for the proposed use on the subject property; however, it expired since a building permit was not secured within six months of the approval. She stated that Staff is comfortable with the extension since the applicant's request is the same as it was when it was previously approved in November by City Council. Ms. Nusser stated that

Staff recommends approval of the proposed specific use permit extension. Chairman Robert Clark asked if there were any differences with this request versus what was approved in November. Ms. Nusser stated that there were no changes.

Mr. Paul Engle, P.E., Anderson Engineering, Inc., 2045 W. Woodland, Springfield, MO, agreed with the staff report.

Chairman Robert Clark opened the public hearing and called for comments. There were none.

The Commission unanimously approved the motion by Commissioner Jack Radke, seconded by Commissioner Darrell Tate, to close the public hearing and recommend approval of the specific use permit (SUP) as recommended by Staff.

Chairman Robert Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 19, 2011.

Commission Member Ray Eckenrode stepped down during the consideration of this item, due to a possible appearance of impropriety and not due to a statutory, legal conflict.

**11-082SP1 Conduct a Public Hearing to Consider/Discuss/Act on the Request by January Consultants, Inc., on Behalf of Robert Richardson, for Approval of a Site Plan for a Kennel Facility with Outside Runs (Castle Creek Ranch Pet Resort), Approximately 1.94 Acres, Located on the Northwest Corner of Virginia Parkway and Mallard Lakes Drive.**

Ms. Abra Nusser, Planner for the City of McKinney, stated that the staff report was revised to reflect an additional condition of approval and had been distributed to the Commission prior to the meeting. She stated that the applicant is requesting to increase the capacity of the facility from 44 dogs to 64 dogs. Ms. Nusser stated that the property has enough parking to accommodate this change. She stated that Staff recommends the applicant revise the site plan's parking calculations and notes to reflect maximum occupancy to be defined as the maximum number of dogs allowed at the facility at one time, which is 64 dogs as stated by the applicant. Ms. Nusser stated that the applicant is proposing to construct an office building and two kennel buildings. She stated that there will also be an exercise and training area on the north side of the site which the Zoning Ordinance classifies as an outside run. Ms. Nusser stated that the Zoning Ordinance requires minimum standards for screening, landscaping, and loading,

and the applicant has met these minimum requirements. She stated that Staff is recommending several conditions of approval that are minor tweaks to the site plan, and they are not site-layout changing. Ms. Nusser stated that Staff has received significant negative feedback from nearby residents regarding the proposed facility since the time the staff report was provided to the Commission. She stated that although Staff understands the concerns regarding the potential for noise from the dogs and the increased traffic the use will bring, the proposed use is allowed by right per the governing zoning district. Ms. Nusser stated that since the site plan meets all requirements of the Zoning Ordinance, with the exception of the conditions Staff is proposing, the site plan must be approved and is not a discretionary item. She stated that Staff recommends approval of the proposed site plan as conditioned in the revised staff report. Commission Member Larry Thompson asked Ms. Nusser to clarify what she meant by "allowed by right." Ms. Nusser stated that the proposed use is kennel with outside runs. She stated that the use is allowed in the governing zoning district, which is "AG" – Agricultural District. Ms. Nusser stated that there is no discretion on whether or not the facility can be allowed at this location. Chairman Robert Clark asked if the site plan layout would be changed with these revisions. Ms. Nusser stated that the conditions would not change the layout of the site plan.

Mr. Melvin January, January Consultants, Inc., 2407 Shadow Lane Dr., McKinney, TX, agreed with the revised staff report. Commission Member Larry Thompson asked if a veterinary clinic would also be located on the property. Mr. January stated no. Vice-Chairman Darrell Tate asked about the proposed screening. Mr. January discussed the proposed screening. He stated that they plan to plant more landscaping than what is required on the property. Commission Member Larry Thompson asked how many units or kennels would be in each building. Mr. January stated that there would be 22 units per building with a hallway down the center of each building. Commission Member George Bush asked about the proposed fencing. Mr. January discussed the proposed chain link and wrought iron fencing and also the proposed plantings on the property. Chairman Robert Clark asked if the applicant had considered other screening devices to help defer the sound. Mr. January felt the plantings in front of the kennel units would address the issue. Ms. Abra Nusser,

Planner for the City of McKinney, clarified that no screening is required on the property for this use. Commission Member George Bush asked if the applicant would be opposed to extending the row of proposed shrubs farther north to screen the dog exercising area as well. Mr. January stated that they would be willing to extend the shrubs past the exercise and training area.

Chairman Robert Clark opened the public hearing and called for comments.

The following citizen spoke in favor of the proposed rezoning request stating that she felt the facility will be of high quality:

- Ms. Michelle Boring, 2021 Hillcrest Ct., McKinney, TX

The following citizens turned in a speaker's card in favor to the proposed rezoning request; however, did not wish to speak at the meeting:

- Ms. Jan Richardson, 4100 Virginia Pkwy., McKinney, TX
- Ms. Martha Hudson, 5044 Falcon Hollow, McKinney, TX
- Ms. Darlene Jones, 4114 Canvasback Blvd., McKinney, TX

Several citizens spoke in opposition to the proposed rezoning request. These citizens had concerns about the noise issues of the barking dogs, no sound abatement around the property, decreased property values of the surrounding neighborhoods, increased traffic, land use not in keeping with the Future Land Use Plan for the property, how it would affect the surrounding development, and whether or not there would be any follow-up to make sure the requirements and landscaping are being kept up. Several citizens gave examples of issues that they have seen or heard about with the Animal Care Center in Stonebridge Ranch. The following citizens spoke in opposition to the proposed rezoning request:

- Ms. Jan Elwell, 506 Wood Duck Ln., McKinney, TX
- Mr. Larry Horner, 4100 Canvasback Blvd., McKinney, TX
- Mr. Lee Banks, 4206 Eider Dr., McKinney, TX
- Mr. Bud Ward, 410 Wood Duck Ln., McKinney, TX
- Mr. Sid Pitzer, 610 Wood Duck, McKinney, TX
- Mr. Daniel Fager, 201 Pintail, McKinney, TX
- Ms. Sue Stoner, 4800 Goldeneyes Ln., McKinney, TX

- Mr. James Maxwell, 200 Parkhaven Dr., McKinney, TX

The following citizen turned in a speaker's card in opposition to the proposed rezoning request; however, did not wish to speak at the meeting:

- Mr. Phil Hodge, 4104 Muscovy Dr., McKinney, TX

The Commission unanimously approved the motion by Commissioner Darrell Tate, seconded by Commissioner Sean Lingenfelter, to close the public hearing.

Ms. Abra Nusser, Planner for the City of McKinney, addressed some of the issues that the citizens in opposition mentioned. She stated that the Planning and Zoning Commission is the final approval authority for this request and stated that this request would not be going to City Council. She stated that the request meets all of the requirements of the Zoning Ordinance. Ms. Nusser stated that the proposed outside run is an exercise and training area and the dogs are allowed to be off-leash in this area. She stated that a wrought iron fence would be around the outside run. Ms. Nusser stated that the applicant is not proposing any other areas where dogs will be allowed to run free without a leash. She stated that there are two proposed kennel buildings. Ms. Nusser stated that the applicant indicated that there would be an indoor component and outdoor component to the kennels. She stated that the applicant indicated the dogs will be indoors during the nighttime. Ms. Nusser stated that the City of McKinney has a noise ordinance that can be enforced on a complaint basis through the City of McKinney Code Enforcement Department. She stated that the maximum number of dogs for the proposed facility is 64. Ms. Nusser stated that if that number is exceeded, that a complaint could be filed with Code Enforcement. She stated that Code Enforcement would then investigate and issue citations if necessary. Commission Member Sean Lingenfelter asked about the noise ordinance. Mr. Michael Quint, Senior Planner for the City of McKinney, stated that it allows from 53 to 86 decibels at the property line. Ms. Nusser stated that the City of McKinney Engineering Department has reviewed this proposal and stated that it was in conformance with the Street Design Manual. She stated that the City keeps track of accidents at various intersections and encouraged the nearby residents to report any accidents to the City. Ms. Nusser stated that there are various criteria that must be met before a traffic signal is installed at an intersection. She briefly discussed the Future Land Use Plan, which is a component of

the Comprehensive Plan. Ms. Nusser stated that it assists Staff, the City Council, and the Planning and Zoning Commission with making decisions on rezoning requests. She stated that this is a site plan and not a rezoning request. Chairman Robert Clark asked how long the property had been zoned "AG" – Agricultural District. Ms. Nusser stated that the property was annexed in 1978, and typically when a property is annexed, it is zoned at the same time. Ms. Nusser stated that the proposed row of shrubs is not a requirement; therefore, the City could not require irrigation for it. She stated that she believes the applicant would most likely water the plantings to protect their investment. Ms. Nusser briefly discussed the architectural standards required for the project. She stated that the applicant will have to meet the point system and masonry would be required. Commission Member Larry Thompson asked if the owners of the horse ranch at that property are the same people requesting the dog kennel. Ms. Nusser stated yes. Vice-Chairman Darrell Tate asked if Staff had an elevation for the proposed kennel facility. Ms. Nusser explained that it was not required with the site plan application. Mr. Michael Quint, Senior Planner for the City of McKinney, stated that architectural elevations are not required until the applicant submits for building permits.

Mr. Melvin January, January Consultants, Inc., discussed the building plans for the kennel with the outside run. He stated that they are planning to build with concrete blocks with foam in the cavities and have concrete flooring with a drain in each space. He felt that this construction would provide a good sound barrier. Mr. January stated that he did not feel that they would have 64 dogs at that location on a continual basis. He stated that was just the maximum number of dogs allowed with the proposed eight parking spaces. Mr. January stated that the current cost estimate for the building is a little over \$1,000,000. He stated that it would be a state-of-the-art facility. Mr. January stated that the proposed screening will keep the dogs in the exercise and training section from seeing the cars driving by or people walking in that area, which would help reduce the barking. He briefly discussed how they plan to handle some of the traffic issues. Mr. January stated that they intend to build a deceleration lane on Virginia Parkway to address traffic concerns. Commission Member Sean Lingenfelter asked if there could be more than one dog in each sleeping quarter of the kennel. Mr. January stated yes. Ms. Nusser stated that the applicant is not required to show the interior

layout of the building or call out the exercise and training area. She stated that Staff had knowledge that dogs would be off-leash at this facility, and that was the reason for classifying the facility as a kennel with outside runs. Ms. Nusser stated that the applicant has met the site plan requirements of the Zoning Ordinance. Chairman Robert Clark asked if the applicant was proposing additional landscaping than what is required. Ms. Nusser said yes.

The Commission unanimously approved the motion by Vice-Chairman Darrell Tate, seconded by Commissioner Sean Lingenfelter, to approve the proposed site plan as conditioned in the revised staff report and with the additional screening shrubs on the east side of the subject property.

Chairman Robert Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed site plan.

Commission Member Ray Eckenrode returned to the Commission Dias.

**11-080Z1     Conduct a Public Hearing to Consider/Discuss/Act on the Request by J. Volk Consulting, Inc., on Behalf of Scott Communities Buildings, L.P. and Townhome Builders at Pecan Park, Inc., for Approval of a Request to Rezone Approximately 22.05 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located on the South Side of McKinney Ranch Parkway and Approximately 1,050 Feet West of Lake Forest Drive.**

Ms. Abra Nusser, Planner for the City of McKinney, explained that the applicant had revised the request to remove all architectural standards from the proposed planned development district. Ms. Nusser stated that the applicant is proposing to follow the architectural standards in the Zoning Ordinance. She stated that no additional architectural standards are proposed at this time. Ms. Nusser stated that the subject property is currently platted as a portion of the Pecan Park Addition. She stated that Pecan Park is currently under construction; however, the applicant is requesting to modify the housing types allowed and the development's space limits by replacing the existing planned development district ordinance. Ms. Nusser stated that the applicant is proposing to modify the general development plan and the associated development standards to allow for revised townhome building sizes and the conversion of some of



the planned townhome lots to single family detached lots. She stated that Staff is comfortable with the proposed planned development district's general development plan and development standards as they are generally in keeping with the character prescribed by the Regional Employment Center (REC) and the Comprehensive Plan. Ms. Nusser stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions as listed in the staff report with the revised proposal reflecting no architectural standards other than those required by the Zoning Ordinance.

Mr. Jay Volk, J. Volk Consulting, Inc., 204 Crepe Myrtle Lane, Murphy, TX, agreed with the revised staff report.

Chairman Robert Clark opened the public hearing and called for comments. There were none.

The Commission unanimously approved the motion by Commissioner Sean Lingenfelter, seconded by Commissioner Larry Thompson, to close the public hearing and recommend approval of the proposed rezoning request with the special ordinance provisions in the staff report except as noted by Staff.

Chairman Robert Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 19, 2011.

**11-085MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by The British Builder, L.L.C., for Approval of a Minor Replat for Lots 1 and 2, Block A, of The British Builder Addition, Approximately 0.45 Acres, Located on the South Side of Pine Street and Approximately 60 Feet East of Baker Street.**

Mr. Anthony Satarino, Planner for the City of McKinney, gave the staff report. He stated that the subject property is currently platted as Block 14 of the F.M. Hills Addition and is being replatted to become Lot 1 and Lot 2, Block A of The British Builder Addition. Mr. Satarino stated that the applicant is proposing to subdivide the original lot into two lots to build a single-family residence on each lot in the future. He stated that the proposed minor replat must be filed for record with the County Clerk prior to the issuance of building permits for any development on the proposed lots. Mr. Satarino stated that the subject property meets the minimum requirements of the governing

zoning district. He stated that Staff recommends approval of the proposed minor replat as conditioned in the staff report.

The applicant was not present at the meeting.

Chairman Robert Clark opened the public hearing and called for comments.

Mr. Charles Inge, 1210 Pine Street, McKinney, TX, asked if the driveways of the two homes would be located on Pine Street or the alley behind the properties. Mr. Satarino stated that the applicant has indicated that both lots will take access from Pine Street. Mr. Inge asked about the size of the proposed two lots and if there are any plans to widen Pine Street. He did not feel the lots would be large enough for two-story single-family residences. Mr. Inge discussed some of the previous street issues in that general location. Mr. Brandon Opiela, Senior Planner for the City of McKinney, stated that the Zoning Ordinance allows a minimum 50-foot wide residential lot. He stated that the applicant is proposing two 65-foot wide lots and each lot is approximately 9,800 square feet, which is in conformance with the zoning district. Mr. Opiela stated that he was not aware of any plans to widen Pine Street.

The Commission unanimously approved the motion by Commissioner Jack Radke, seconded by Commissioner George Bush, to close the public hearing and approve the proposed minor replat as conditioned on the staff report.

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

**11-086SP    Conduct a Public Hearing to Consider/Discuss/Act on the Request by J. Volk Consulting, Inc., on Behalf of Scott Communities Builders, L.P., for Approval of a Site Plan for an Amenity Center (Pecan Park Amenity Center), Approximately 1.80 Acres, Located on the Southwest Corner of Mesquite Drive and Pecan Knoll Drive.**

Ms. Abra Nusser, Planner for the City of McKinney, explained the proposed site plan. She stated that the applicant is proposing to construct a neighborhood pool with restroom buildings, Pecan Park Amenity Center. Ms. Nusser stated that the Zoning Ordinance requires minimum standards for parking, landscaping, and loading, and the applicant has met these minimum requirements. She stated that the applicant is proposing to utilize the existing tree line along the shared property line as an alternate screening device between the proposed use and the adjacent single family district to the

south as indicated on the proposed landscape plan. Ms. Nusser stated that Staff is comfortable with the screening of this shared property line and feels that the heavily wooded creek will adequately screen the proposed non-residential use from the adjacent residential zoning to the south. She stated that Staff recommends that the applicant receive approval of the alternate screening device. Ms. Nusser stated that Staff recommends approval of the proposed site plan as conditioned in the staff report.

Chairman Robert Clark opened the public hearing and called for comments. There were none.

The Commission unanimously approved the motion by Commissioner George Bush, seconded by Commissioner Larry Thompson, to close the public hearing and approve the site plan as recommended by Staff.

Chairman Robert Clark stated that the Planning and Zoning Commission is the final approval authority for this site plan.

Jennifer Cox discussed obtaining some information from the Commission to be included in a planning award submittal.

Chairman Robert Clark adjourned the meeting at 7:55 p.m.

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ROBERT S. CLARK  
Chairman