

**MINUTES  
CITY OF MCKINNEY, TEXAS  
PLANNING & ZONING COMMISSION  
TUESDAY, DECEMBER 14, 2010  
6:30 P.M. – COUNCIL CHAMBER – CITY HALL**

The Planning and Zoning Commission of the City of McKinney, Texas, met in regular session in the Council Chamber of the Municipal Building on Tuesday, December 14, 2010 at 6:30 p.m.

Commission Members present were Robert S. Clark, Darrell Tate, Sean Lingenfelter, George Bush, Ray Eckenrode, Jack Radke and Larry Thompson. Staff members present were Director of Planning Jennifer Cox, Senior Planners Brandon Opiela, Michael Quint, Jennifer Arnold, Planners Abra Nusser, Craig Sykora, Anthony Satarino, Alex Glushko, and Administrative Assistants Blanca Garcia and Terri Ramey.

There were 31 guests present.

Chairperson Clark presided.

Chairperson Clark explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be further considered by City Council at its regularly scheduled meeting of January 4, 2011, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by December 16, 2010. He requested that applicants and Staff limit their remarks to ten minutes each and that guests limit their remarks to five minutes and speak only once. Chairperson Clark explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking issues.

Chairperson Clark began the agenda with the Consent Items.

**Consider/Discuss/Act on the Minutes of the  
November 9, 2010 Planning and Zoning  
Commission Regular Meeting.**

**10-083CP Consider/Discuss/Act on the Request by  
Corwin Engineering, Inc., on Behalf of  
Custer West Partners IV, L.P., for Approval  
of a Concept Plan for The Heights at  
Westridge, Phase IV, Approximately 33.07**

**Acres, Located on the East Side of Coit Road and Approximately 800 Feet South of Westridge Boulevard.**

**10-084PF Consider/Discuss/Act on the Request by Corwin Engineering, Inc., on Behalf of Custer West Partners IV, L.P., for Approval of a Preliminary-Final Plat for 177 Single Family Residential Lots (The Heights at Westridge, Phase IV), Approximately 33.07 Acres, Located on the East Side of Coit Road and on the South Side of Westridge Boulevard.**

On a motion by Commission Member Lingenfelter, seconded by Commission Member Radke, the Commission voted 7-0 to approve the Consent Items.

Chairperson Clark began the agenda with the Regular Items.

**10-130Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Skorburg Retail Corporation, on Behalf of Blackmon Ranch, Ltd., for a Request to Rezone Approximately 23.20 Acres from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located Approximately 825 Feet East of Lake Forest Drive and on the South Side of McKinney Ranch Parkway.**

Mr. Anthony Satarino, Planner for the City of McKinney, gave the staff report and stated that the applicant is requesting to rezone specifically to modify a provision of the "REC" – Regional Employment Center Overlay District requiring a 20 foot offset between the face of a front-facing garage and the front face of the proposed residence or attached porch. He stated that the applicant is requesting that the offset between the front façade of the house and the face of the garage or porch be reduced from 20 feet to 5 feet. Mr. Satarino stated with only 5 feet of offset provided, Staff calculated that the proposed homes in the development would require a 15 to maximum 16 foot build-to-line in order to provide the required 20 foot long driveway. He stated that Staff feels that any meaningful private open space will be diminished especially if a porch is not provided and is not comfortable supporting the applicant's request on reduction of the offset. Mr. Satarino stated that the use and development of the subject property shall conform to Section 146-73 ("RS 60" – Single Family Residence District) of the

Zoning Ordinance and “REC” – Regional Employment Center Overlay District, except for the front face of a garage shall be set back no less than 10 feet from the front face of the porch and a 10 foot deep covered porch shall be required along the front face of each residence excluding the front face of the garage. Mr. Satarino stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report. Commission Member Lingenfelter asked how the applicant felt about Staff’s recommendation. Mr. Satarino stated that the applicant’s request differs from Staff’s recommendation. Mr. Dick Skorborg, 8214 Westchester Street, Suite 710, Dallas, Texas, presented a PowerPoint presentation which shows what they have developed in the surrounding cities. He stated that they are requesting a setback modification to allow for a larger backyard. Mr. Skorborg stated that they are requesting for a 5 foot offset versus 20 feet. Commission Member Tate asked if the last photographs that Skorborg demonstrated, were the type of homes that he built. Mr. Skorborg stated yes. Chairperson Clark asked if the build-to line would be increased, the porch requirement reduced, and if the back yard would be smaller. Mr. Skorborg stated that the more backyard the better for the consumer. Chairperson Clark stated that Staff’s recommendation is a 10 foot build-to line and 10 foot offset. Commission Member Lingenfelter asked if the issue was the front yard and not back yard. Mr. Skorborg stated that the back yard is more important than the front yard. Commission Member Thompson asked if there were any builders in the City of McKinney using 5 foot setbacks. Mr. Brandon Opiela, Senior Planner for the City of McKinney, stated that there are a number of planned developments that modified the garage/façade offsets. Chairperson Clark asked what the setbacks were on the homes on the photographs. Mr. Skorborg stated it was about 15 feet. Commission Member Bush asked if the houses will have front porches. Mr. Skorborg stated that some of the houses will and some will not. Commission Member Bush asked if not having porches on all homes is the issue. Mr. Skorborg stated that having or not having a front porch was not the issue. He stated that a porch, as recommended at 10 feet, will create monotony. Commission Member Thompson asked if the porch requirement was 4 to 10 feet with a 5 foot setback if that would solve the

problem. Mr. Skorburg answered yes. Chairperson Clark asked if all the porches would be built 4 feet if that was approved. Mr. Skorburg stated it would not because they would like to have a mixture of sizes. Commission Member Lingenfelter stated that his concern was that it would not hold true to the original zoning of the "REC" – Regional Employment Center Overlay District. Chairperson Clark asked the applicant if he would rather the item be tabled to give him time to work with Staff or if the applicant wanted the Planning and Zoning Commission to act on the item as presented. Mr. Michael Quint, Senior Planner for the City of McKinney, clarified that a lot of the products that were demonstrated in the applicant's presentation could be within the "REC" – Regional Employment Center Overlay District, without a problem. Mr. Skorburg stated that the product that Mr. Quint was referring to was a house that could not fit on the lots. Commission Member Thompson asked if there were a 10 foot setback from the façade, if that would offer the applicant flexibility. Mr. Opiela stated that Staff felt that by shifting 10 of the 20 feet of offset to the porch that it could give some flexibility. He stated that Staff might be able to modify the ordinance provision to provide a 20 foot offset without a porch. Mr. Opiela stated that Staff could look at various options that meet the current ordinance. He stated that Staff is not able to support doing away with public/private open space, which is an integral part of the "REC" – Regional Employment Center Overlay District Guidelines. Mr. Skorburg stated that they did not want to get into a 20 foot offset situation. Mr. Opiela stated that he was reiterating the current ordinance on the property and stated that the applicant would be allowed to build under the current ordinance. He stated that the way the provisions are listed on the staff report are the minimum standards. Ms. Jennifer Cox, Director of Planning for the City of McKinney asked Mr. Skorburg if he was amenable to being tabled so that he could work with Staff. Mr. Skorburg stated that he would not have a problem with tabling the item till the January 11, 2011, Planning and Zoning Commission meeting. Vice-Chairperson Tate asked if their primary market would be single nesters. Mr. Skorburg stated it would be family products. Commission Member Bush inclined to allow the applicant do what he wants to do. Chairperson Clark opened the public hearing and called for comments. Mr.

David Forsyth, 4301 Harlow Court, McKinney, Texas, stated he wanted to know how the subdivision will be built out so it blends in aesthetically with their adjacent neighborhood. He also stated that he was not in support of the front setback being reduced to less than 10 feet and would rather see a 15 foot setback. Chairperson Clark asked Mr. Skorburg to please address Mr. Forsyth's comments. Mr. Skorburg stated that there will not be an alley. On a motion by Vice-Chairperson Tate, seconded by Commission Member Lingenfelter, the Commission voted 7-0 to close the public hearing. Commission Member Bush commented that since the property to the north and east is non "REC" – Regional Employment Center Overlay District, he felt it was acceptable to build the way he wants within the City of McKinney's guidelines. Chairperson Clark asked if Mr. Skorburg would like the item to be tabled to allow him time to work with Staff. Mr. Skorburg stated he would like the item be approved tonight if possible. Commission Member Eckenrode asked if he would rather the item be tabled to allow him time to work with Staff or approved based on Staff's recommendations. Commission Member Bush asked if Staff were to remove the 10 foot porches, if that would work for him. Mr. Skorburg stated he would like to have some at 10 feet and some at 7 feet. Commission Member Thompson asked if the applicant had the flexibility with a 10 foot offset from the façade to have the porches with the flexibility of going from 4 to 10 feet, if he would be satisfied with that. Mr. Skorburg stated that would be a struggle and did not agree. On a motion by Commission Member Thompson, seconded by Commission Member Eckenrode, the Commission voted 7-0 to table the proposed rezoning request to the January 11, 2010, Planning and Zoning Commission meeting.

**10-117Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of McKinney Christian Academy, for Approval of a Request to Rezone Approximately 59.98 Acres, from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the South Side of Bois D'Arc Road and Approximately 800 Feet West of Jordan Road.**

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that that the applicant is requesting to rezone the subject property to remove the time limit on the use of portable buildings and allow administrative approval of the associated site plan. She stated that the site currently has six permanent buildings and eight portable buildings and stated the applicant is proposing to install three additional portables for a total of 11. Ms. Nusser stated that Staff is uncomfortable with both components of the applicant's request and instead recommends a five-year time extension on the portables until July 1, 2016, and for the associated site plan to follow standard procedure. Ms. Nusser stated that the applicant has stated in their letter of intent that although they would like to construct permanent school buildings, they do not have a timeline yet for the financing of future structures. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions as listed in the Staff Report. Commission Member Bush stated that he asked the applicant why the timeline had been marked over from 10 years to indefinitely in the letter of intent. He stated that the applicant said that they wanted 10 years and Staff had changed it to indefinitely. Ms. Nusser stated that the applicant marked over the 10 year time frame and initialed it. Mr. Opiela, Senior Planner for the City of McKinney, clarified that the revision and initials on the letter of intent were of the applicant, not of Staff. Mr. Bollinger, 3601 Bois D' Arc, McKinney, Texas, explained reasons why they are requesting portable buildings and why they are requesting that the portable buildings' time frame be extended to 10 years versus five years. Mr. Dan Brooks, 1600 Redbud, Suite 400, McKinney, Texas, explained reasons why they are requesting portable buildings and why they are requesting to extend the time frame of portable buildings from five years to 10 years. Commission Member Tate asked when they anticipated having a building program. Mr. Brooks stated that without additional growth of students, they do not have a plan at this point. Commission Member Thompson asked if the 10 year time frame would work better than the five year time frame for the portable buildings. Mr. Brooks stated that the 10 year time frame allows them more flexibility than five years would. Chairperson Clark stated that the Planning and Zoning Commission is trying to work with the applicant, but they do

not want to have the portable buildings onsite indefinitely. Commission Member Bush asked if there is a chance that the applicant might come back to the Planning and Zoning Commission and request additional portable buildings. Mr. Brooks stated that the classrooms have capacity for additional students at the moment, and it is not likely that they would come back to the Planning and Zoning Commission and request additional portable buildings. Chairperson Clark opened the public hearing and called for comments. Jerry La Plante, 3602 Bois D' Arc, McKinney, Texas, stated that he is in opposition to the proposed rezoning request due to traffic concerns and growth of the school. On a motion by Vice-Chairperson Tate, seconded by Commission Member Bush, the Commission voted 7-0 to close the public hearing and recommend approval of the proposed rezoning request with special ordinance provisions which reflect that the maximum number of portable buildings on the subject property be 11, as shown on the zoning exhibit, for a 10 year period, and when the associated site plan is submitted, it follow standard procedure and is considered by the Planning and Zoning Commission. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on January 4, 2011.

**10-126Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by CB Jeni Homes, on Behalf of Valliance Bank, for Approval of a Request to Rezone Approximately 3.97 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, Generally on the Southwest Corner of Fort Buckner Drive and Chickasaw Trail and on the East and West Sides of Rowlett Creek Way, Between Chief Spotted Tail Drive and Kickapoo Drive.**

Commission member Ray Eckenrode stepped down during the consideration of this time due to a possible conflict of interest.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is requesting to rezone six and a half blocks in the Settlement at Craig Ranch to allow three-unit townhome buildings, rather than

the minimum four-unit townhome buildings required by the "REC"- Regional Employment Center Overlay District. She stated that the applicant has submitted an associated meritorious exception for the exterior finishing materials of the townhomes, but finishing materials and architectural features are not included in the proposed rezoning request. Ms. Nusser stated that Staff is in support of the applicant's request for three-unit townhome buildings since the reduction should not alter the character of the development and should not hinder the overall character of the "REC"- Regional Employment Center Overlay District. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report. Mr. Bruno Pasquinelli, 4671 Cecile Road, Plano, Texas, explained the proposed rezoning request and stated he is in agreement with Staff's recommendation. Chairperson Clark asked Staff if the product had to be single story buildings. Ms. Cox, Director of Planning for the City of McKinney, stated that there is nothing in the zoning that would limit the applicant to only one story buildings. Chairperson Clark opened the public hearing and called for comments.

The following residents were in opposition to the proposed rezoning request:

Ms. Carol DeMott, 8104 Kickapoo Drive, McKinney, Texas.

Mr. Eric Zepp, 5401 Settlement Way, McKinney, Texas.

The following resident was in favor of the proposed rezoning request:

Mr. Terry Nosee, 8101 Chief Spotted Tail, McKinney Texas.

On a motion by Commission Member Thompson, seconded by Commission Member Lingenfelter, the Commission voted 6-0 to close the public hearing. Commission Member Thompson asked Staff if four-unit condos are allowed under the current zoning. Ms. Jennifer Cox, Director of Planning for the City of McKinney, answered yes and clarified that it is zoned for townhomes. Commission Member Thompson made a motion to recommend approval of the proposed rezoning request as conditioned by Staff, but it failed due to lack of a second motion. Commission Member Lingenfelter asked Staff how many stories are allowed. Ms. Cox stated that the applicant can build a one or two story townhome. Mr. Pasquinelli explained the type of product he wants to develop. Vice-Chairperson Tate discussed a motion to approve the proposed rezoning



request per Staff's recommendation but limit the height to one story. Ms. Cox asked the applicant to discuss if limiting the townhomes to one story would be acceptable. Mr. Pasquinelli stated that his intention is to build one story townhomes, but limiting the height to one story would restrict the property more than he would prefer. Vice-Chairperson Tate stated he did not wish to proceed with his motion after Mr. Pasquinelli's explanation. Commission Member Bush made a motion to recommend denial of the proposed rezoning request, but it failed due to lack of a second motion. Chairperson Clark asked Commission Member Thompson if he wanted to make his motion again. On a motion by Commission Member Thompson, seconded by Commission Member Lingenfelter, the Commission voted 5-1 to recommend approval of the proposed rezoning request per Staff's recommendation. Commission Member Bush voted against the motion. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on January 4, 2011.

**10-127Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Oden Hughes, L.L.C., on Behalf of Skyline/380 Commercial, L.L.C., for Approval of a Request to Rezone Approximately 12.80 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and for Multiple Family Uses, Located on the North Side of U.S. Highway 380 (University Drive) and on the West Side of Skyline Drive.**

Chairperson Clark explained that Staff recommends the Planning and Zoning Commission table the proposed rezoning request per the applicant's request. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Lingenfelter, seconded by Commission Member Messer, the Commission voted 7-0 to continue the public hearing and table the proposed rezoning request until the January 11, 2011, Planning and Zoning Commission meeting.

**10-124MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by C & C Development I, L.L.C., on Behalf of Eldorado 49 Partners, Ltd., for Approval of a Minor Replat for Lots 4R & 5, Block A, of The Craig Addition, Approximately 3.17**

**Acres, Located on the North Side of Eldorado Parkway and on the West Side of Orchid Drive.**

Commission Member Bush, stepped down during the consideration of the proposed minor replat due to a possible conflict of interest.

Mr. Anthony Satarino, Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing to subdivide approximately 3.17 acres into 2 lots and stated that the applicant has submitted an associated site plan for AutoZone for proposed Lot 5, Block A. He stated that Staff recommends approval of the proposed minor replat as conditioned in the staff report. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Lingenfelter, seconded by Commission Member Radke, the Commission voted 6-0 to close the public hearing and approve the proposed minor replat as conditioned in the staff report. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

**10-128SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of Eldorado 49 Partners, Ltd., for Approval of a Site Plan for an Indoor Auto Parts Sales Store (AutoZone), Approximately 1.01 Acres, Located on the North Side of Eldorado Parkway and Approximately 300 Feet West of Orchid Drive.**

Commission Member Bush, stepped down during the consideration of the proposed site plan due to a possible conflict of interest.

Mr. Anthony Satarino, Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing to construct a 7,147 square foot indoor auto parts sales store. He stated that the proposed site plan conforms to the approved access management plan. Mr. Satarino stated that Staff recommends approval as conditioned in the staff report. Vice-Chairperson Tate asked if the screening was evergreen. Mr. Satarino answered yes. Chairperson Clark opened the public hearing and called for comments. Mr. Joel Ryvzell, 4260 Redbud Boulevard, McKinney, Texas, asked how the screening would be between the proposed AutoZone and his gymnastics facility. Brandon Opiela,

Senior Planner for the City of McKinney, stated that screening would be north of the property. He stated that the Planning and Zoning Commission ask that the screening be moved or add additional screening. Michael Quint, Senior Planner for the City of McKinney, stated that there are utility lines between the subject property and the gymnastics facility. Mr. Ryzzell asked if there will be a parking lot behind the AutoZone. Mr. Opiela answered yes. Mr. Ryzzell stated that he understood that there are utility lines between both properties and asked if there was there a way to screen between the properties. He stated his concern was because his students are mainly female. Mr. Quint stated that the Planning and Zoning Commission can require any screening device they see fit and stated that the zoning ordinance allows for certain screening options that can be approved by right, which are; masonry screening or wrought iron screening with masonry columns every 20 feet on center with living screen. He stated if a permanent structure such as wrought iron or masonry wall were built, it would have to be torn down and repaired at some expense if work needs to be done on the utility lines. Chairperson Clark asked Mr. Ryzzell if he is asking for additional screening. Mr. Ryzzell answered yes. Commission Member Thompson asked what the linear feet of screening it would be to screen between the properties. Mr. Quint stated it would be about 25 linear feet. Commission Member Thompson asked the applicant if they would have a problem adding additional screening. Mr. Mac McCloud, 106 West Louisiana Street, McKinney, Texas, stated that they could install a wrought iron fence on the property line. Mr. Opiela stated that if the applicant installed a wrought iron fence they would still have to provide a living screen. Mr. McCloud stated if they planted trees in that area, they would end up getting wrapped around the water lines and that would create an issue. Mr. Opiela explained that the intent of the proposed shrubs to screen the bay door and it is not necessarily to screen a drive or associated parking because that is not required to be screened. Mr. McCloud stated that the bay door is 4 feet wide and 8 feet in height. Chairperson Clark asked Mr. McCloud if it would be a problem to move the living screen or enlarge it to the northwest of the property. Mr. McCloud stated it was not a problem. Commission Member Lingenfelter asked to see the site plan. He asked if the parking requirement

could be reduced to allow screening to be shifted. Mr. Quint stated that on December 7, 2010, City Council approved parking modification that allows the reduction of parking spaces from 1 to 200 to 1 to 50, and stated that it is within the applicant's right to reduce the parking. Commission Member Eckenrode asked if Mr. McCloud had any recommendations on the issue. Mr. McCloud stated that he would not mind the recommendation of reducing the amount of parking spaces to enlarge the living screen. Chairperson Clark asked if Staff would be making the needed changes or if the Planning and Zoning Commission making these decisions. Ms. Jennifer Cox, Director of Planning for the City of McKinney stated that Staff could make the changes or the Planning and Zoning Commission. Commission Member Eckenrode stated that he would like Staff to make the recommendation at this meeting. Mr. Opiela stated that he needed to clarify the living screen if the Planning and Zoning Commission wanted to act on the proposed site plan at this meeting. He clarified that part of the proposed parking would be removed and they would plant Eastern Red Cedar trees. Ms. Cox stated that she did not agree with shifting living screen and stated that they would like additional screening to be added versus shifting the proposed trees. Mr. McCloud stated he is fine with that. On a motion by Commission Member Lingenfelter, seconded by Commission Member Thompson, the Commission voted 6-0 to approve the proposed site plan as conditioned in the staff report and that parking be reduced to allow additional screening along the northwest corner. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed site plan.

**10-092SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Carwin Advisors, L.L.C., on Behalf of Collin CR Wellness Communities, L.L.C., for Approval of a Site Plan for a Multiple Family Residential Development (The Retreat at Craig Ranch), Approximately 33.89 Acres, Located on the East Side of Custer Road and on the South Side of Stacy Road.**

Mr. Michael Quint, Senior Planner for the City of McKinney gave the staff report and stated that the applicant is proposing to construct a series of one-unity, two-unit, and four-unit multi-family residential buildings (The Retreat at Craig Ranch) on approximately 34 acres on the east side of Custer Road on the south side of

Stacy Road. He stated that Staff recommends approval of the proposed site plan as conditioned in the staff report. Mr. Bret Pedigo, 2100 McKinney Avenue, Dallas Texas, is in agreement with Staff's recommendation. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Radke, seconded by Commission Member Lingenfelter, the Commission voted 7-0 to close the public hearing and approve the proposed site plan as conditioned in the staff report. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed site plan.

**10-129ME Conduct a Public Hearing to Consider/Discuss/Act on the Request by GHA Architecture/Development, on Behalf of Frank Williams, II, for Approval of a Meritorious Exception for Del Taco, Approximately 0.68 Acres, Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 235 Feet West of Graves Street.**

Ms. Jennifer Cox, Director of Planning for the City of McKinney, stepped down during the consideration of this item due to a possible conflict of interest.

Mr. Michael Quint, Senior Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing approval of the Meritorious Exception because the proposed building's design does not provide a minimum of the 50% masonry on each wall and that the proposed design does not achieve the 85 points required by the Zoning Ordinance. He stated that the proposed building utilizes a small percentage of stone and tile; however, it is primarily finished with stucco. Mr. Quint stated that the proposed building's overall design is generally comparable with other fast food businesses throughout McKinney. He stated that an associated rezoning request and site plan have been approved for this facility thus this type of design was not a surprise to Staff. Mr. Quint stated that Staff must recommend denial of the proposed meritorious exception per the requirements of the Zoning Ordinance. He stated that this is a discretionary approval item and that if the Commission feels comfortable with the proposed design, then they can recommend approval. Mr. Quint stated that City Council requested that Staff research making changes to the Architectural and Site Standards section of the Zoning Ordinance and stated that there had been

some discussion on whether or not the masonry percentages should be modified. He asked the Commission to keep this in mind as Staff moves forward with these discussions with City Council. Commission Member Bush asked how the applicant's points were calculated. Mr. Quint explained that the applicant must provide a minimum of 50% masonry on each wall to receive any points at all. Commission Member Thompson asked if Del Taco is a chain restaurant. He stated that he believed it is a chain restaurant. Commission Member Thompson asked if all of the restaurants had the same exterior design. Mr. Quint stated that was a question for the applicant. Vice-Chairperson Tate asked if the Commission could require less than 50% masonry. Mr. Quint stated that the Commission could require as much as they saw fit. Commission Member Thompson asked how much masonry is currently proposed. Mr. Quint stated that it would be hard to say; however, it is less than 50% per wall. He stated that there were only two portions that have been provided in the request that are a fairly small percentage. Commission Member Eckenrode asked what may be recommended on the Architectural Standards Ordinance. Mr. Quint stated that it was too early to say what the outcome will be. Mr. John Druse, Senior Director of Design, Construction, and Development with Del Taco Restaurants, 25521 Commerce Centre, Lake Forest, California, explained the request. He stated that the proposed building design is the design that they decided to move forward with nationwide. He stated that the McKinney location would be the first restaurant with this new design. Mr. Druse stated that he believes that the proposed restaurant would be a huge improvement to the current site. Commission Member Thompson asked the applicant if the major portion of the proposed building is stucco. Mr. Druse stated that everything proposed that is not stone, is stucco. Commission Member Thompson asked about the roof. Mr. Druse stated that it is a flat roof on the parapet area and a standing seam metal roof on the curved area. Vice-Chairperson Tate asked about the stone on the proposed building. Dr. Druse stated that the exhibit has the color palette of all of the proposed exterior finishes. Commission Member Bush asked what the current percentage of stone is on the proposed building. Mr. Druse stated that he did not know the exact total of stone on the proposed building. Commission

Member Thompson asked if the architect was present for this project. Mr. Druse said yes. Mr. Marc Wills, Architect with GHA Architecture/Development, 14110 Dallas Parkway, Suite 300, Dallas, Texas came forward to answer questions from the Commission. Commission Member Thompson asked if Mr. Wills was familiar with the City of McKinney Architectural Standards requirements. Mr. Wills said yes. Commission Member Thompson asked if it would change the building's look architecturally, if the stone would be wrapped around the bottom of the building. Mr. Wills stated that they could add additional stone in different area of the building; however, they were trying to keep the prototype that Del Taco wants to move forward with. He stated that they looked at adding red thin brick with a matching grout on the two towers to keep the red look of the prototype color. Chairperson Clark stated that they would like to have this project in the City of McKinney; however, do not want to set a precedent on this project. He stated that he would like to see the applicant come closer to the Architectural Standards without increasing the cost and the applicant's time too much. Mr. Druse stated that adding thin red brick to the tower areas would get them closer to the standards. Chairperson Clark stated that he felt the Commission would like to come to some type of compromise with the applicant. Mr. Druse stated that they would be willing to take the stacked stone across below the windows and also add red brick to the two towers. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Vice-Chairperson Tate, the Commission voted 6-1 to close the public hearing and approve the proposed Meritorious Exception with the addition of the stacked stone being continued below the front windows and the two towers would have the red brick on them. Commission Member Lingenfelter asked the applicant if all of the red elements could be brick instead of just the two towers. The applicant stated that it is possible that could be considered, but they would like the flexibility to just do the two towers in the red brick. Commission Member Lingenfelter voted against the motion. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the Meritorious Exception.

**10-131M Consider/Discuss/Act on a Resolution Establishing what Zoning District(s) are Appropriate for a New and Unlisted Land Use, "Indoor Gun Range."**

Mr. Michael Quint, Senior Planner for the City of McKinney, gave the staff report and explained that the current Zoning Ordinance allows for new and unlisted uses via the process outlined in Section 146-43. Mr. Quint stated that Staff was approached by an individual that wants to open an indoor gun range within the City of McKinney and stated that use is not listed in the schedule of uses. He stated that Staff researched the use and came to the conclusion that the use would be appropriate by right within the "ML" – Light Manufacturing District and "MH" - Heavy Manufacturing zoning with the addition of a new definition and parking requirement. Commission Member Bush stated that there are residences abutting some of the industrial zoning districts within the City of McKinney. Commission Member Bush asked if it would be more appropriate that the use be allowed within the "ML" – Light Manufacturing District and "MH" - Heavy Manufacturing District with approval a specific use permit. Mr. Quint explained that there are standards in the code of ordinance that address, noise, lighting, and safety and did not feel the specific use permit process was necessary but stated that Staff was open to the Planning and Zoning Commission's recommendations. Commission Member Bush stated that there are some uses that are better served with a specific use permit. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Bush, seconded by Commission Member Lingenfelter, the Commission voted 7-0 to close the public hearing and recommend approval the proposed new and unlisted use "Indoor Gun Range," as recommended by Staff with the exception that a specific use permit be required for "Indoor Gun Ranges." Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on January 4, 2011.

**10-122M Conduct 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. Commission Member Thompson asked where the funds for impact fees are being invested. Ms. Cox, Director of Planning, stated that Staff would need to research that information and follow up with the Commission on the answer. Vice-Chairman Tate asked if any thought had been given to making new major thoroughfares six lanes, divided. Ms. Cox stated that most of the new roads being built would ultimately be six-lane roads. She stated that several years ago, a decision was made that, at the time, the City did not want six-lane roads, so four-lane roads were constructed throughout portions of the City. She discussed how some of the roads were built with large medians to allow for the conversion of these roadways to six lanes when needed. She stated that the Master Thoroughfare Plan shows the lane designation for current and proposed roadways. She stated that the City Council and Engineering Department would need to be involved in decisions regarding increasing the number of lanes for roadways. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Bush, the Commission voted 7-0 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. Ms. Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting of January 4, 2011.

There being no further business, Chairperson Clark declared the meeting adjourned at 9:04 p.m.

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ROBERT S. CLARK, CHAIRPERSON