

**MINUTES
CITY OF MCKINNEY, TEXAS
PLANNING & ZONING COMMISSION
TUESDAY, NOVEMBER 10, 2009
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, November 10, 2009 at 6:30 p.m.

Commission Members present were Chairperson Robert S. Clark, Vice-Chairperson Lance Lindsay, Darrell Tate, Kevin Feldt, Sean Lingenfelter and Jack Radke. Commission Member absent was Mark Messer. Staff members present were Director of Planning Jennifer Cox, Senior Planners Brandon Opiela and Michael Quint, Planners Brooks Wilson and Abra Nusser, Administrative Assistant Blanca Garcia.

There were approximately 10 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 5, 2009, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by November 17, 2009. 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.

On a motion by Commission Member Tate, seconded by Commission Member Lingenfelter, the Commission voted 6-0 to approve the Consent Items.

**Consider/Discuss/Act on the Minutes of the
October 27, 2009 Planning and Zoning
Commission Meeting.**

Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Eldorado Land Company, L.P. and Carrington Partners, L.P., for Approval of a Preliminary-Final Plat for Lots 4-7, Block A, of the Eldorado Office Park Addition, Approximately 6.04 Acres, Located on the Southwest Corner of Eldorado Parkway and Hudson Crossing.

09-149PF

Chairperson Clark began the agenda with the Regular Items.

Conduct a Public Hearing to Consider/Discuss/Act on the Request by JDJR Engineers and Consultants, Inc., on Behalf of AKAL III Management, Inc., for Approval of a Site Plan for a Multi-Story Hotel (Hampton Inn), Approximately 2.00 Acres, Located Approximately 700 Feet South of Bray Central Drive and Approximately 300 Feet East of U.S. Highway 75 (Central Expressway).

**09-112SP*
PH**

Ms. Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing a site plan to develop a two-acre site as a four-story Hampton Inn hotel. She stated that the hotel will be approximately 50,000 square feet with 79 rooms. Ms. Nusser stated that an amending plat for the subject property has been submitted and is currently under review by Staff. She stated that access for the site will be through a series of fire lanes and access drives which connect to U.S. Highway 75 to the west and Central Circle and Redbud Boulevard to the east. Ms. Nusser stated that Staff is recommending two conditions regarding the fire lanes for the subject property and stated that the proposed fire lanes do not currently connect with the existing east-west fire lane, and two easements by separate instrument are necessary to connect them. She stated that the Zoning Ordinance requires minimum standards for parking, loading, and landscaping, and stated that the applicant has met the minimum requirements. Ms. Nusser stated that Staff recommends approval of the proposed site plan with the conditions listed in the staff report. Commission Member Feldt asked for clarification on the access, and stated that the site plan appears to show connection to the fire lanes. Ms. Nusser stated it is a technicality and demonstrated to the Planning and Zoning Commission (through the overhead) where there are gaps and stated that the existing fire lane and mutual access easement does not connect to the property line. She stated that

the applicant had to do two easements by separate instrument to connect the small gaps. Mr. Opiela, Senior Planner for the City of McKinney, stated that the two small portions are offsite and would have to be filed by separate instrument. Commission Member Feldt stated he liked the parking provided. Mr. Jim Dewey, 2500 Texas Drive, Suite 100, Irving, Texas, stated he is in agreement with Staff's recommendation. He stated that the subject property was platted years ago and the easements were an oversight by the developers or by City Staff. He stated that the subject property has access from the east-west drive and stated that there is an access easement that covers the small gaps but the easement does not include a fire lane designation. Mr. Dewey stated that the City of McKinney wants him to get a separate instrument for the fire lane. He stated that the subject property has access, but technically, there is a sliver between the existing drive and the subject property that is not covered under a fire lane easement and stated that they will get that before proceeding with construction. 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 recommend approval 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 January 5, 2010 meeting.

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Delta Land Surveying, on Behalf of Joseph and Elizabeth Margiotta, for Approval of a Minor Replat for Lots 2R1 and 3, Block A, of the Isleworth Addition, Approximately 0.71 Acres, Located on the Southwest Corner of Beacon Hill Road and Isleworth Lane.

**09-145MRP*
PH**

Ms. Brooks Wilson, Planner for the City of McKinney, gave the staff report and stated that the subject lot was originally platted as Lot 2 and 3, Block A of the Isleworth Addition, a single family development in Stonebridge Ranch. She stated that in March 2001, the two lots were combined into one lot, Lot 2R, and stated that the proposed action will return the lot to its original configuration. Ms. Wilson stated that the land uses on the lots will remain single family detached

residential and both lots will meet the minimum size and setback requirements of the zoning district. She stated that each lot will have direct access onto Beacon Hill Road, a private street, and has met all the requirements of the Subdivision Ordinance. Ms. Wilson stated that Staff recommends approval of the 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 Vice-Chairperson Lindsay, seconded by Commission Member Tate, the Commission voted 6-0 to close the public hearing and approve of 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.

Conduct a Public Hearing to Consider/Discuss/Act on the Request by C & C Development, L.P., on Behalf of Porchview Estates, L.L.P., for Approval of a Request to Rezone Approximately 24.21 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 300 Feet North of Collin McKinney Parkway and Approximately 1,000 Feet East of Custer Road.

**09-147Z*
PH**

Ms. Brooks Wilson, Planner for the City of McKinney gave the Staff report and stated that the applicant is requesting to rezone approximately 24.21 acres in the “REC” – Regional Employment Center Overlay District from “PD” – Planned Development District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, generally to modify development standards. She stated that the existing Planned Development District Ordinance has provisions that created a zero-lot line detached residential development and stated that the purpose of this rezoning request is to convert the zero-lot line configuration to a more typical lot siting with 5 foot side yard setbacks on both sides. Ms. Wilson stated that the applicant is also requesting changes in setbacks and coverage minimums in order to have more flexibility to design single story residential units, which have a larger footprint than a multiple story unit of the same size. She stated that the applicant is requesting the following special ordinance provisions: the minimum side yard setbacks shall be five feet

on both sides of each residential unit for a total of 10 feet minimum separation between buildings, the minimum rear yard setback for all of Block G and the portion of Block F that backs to the commercial tracts to the west of the subject property shall be 15 feet, the minimum rear yard setback for all of Block E and the portion of Block F that backs to the residential tracts to the east of the subject property shall be 15 feet, the minimum rear yard setback for all of Block H and Block I shall be 10 feet, the maximum lot coverage shall be 60 percent, the subject property shall be exempt from the “REC” – Regional Employment Center Overlay District’s requirement that 80 percent of a street block’s buildings adhere to a consistent build-to line, and the subject property shall generally develop according to the attached Zoning Exhibit (Exhibit A). Ms. Wilson stated that Staff has no objections to the special ordinance provisions requested by the applicant and stated that Staff recommends approval of the rezoning request, as conditioned in the staff report. Commission Member Lingenfelter asked what the typical lot size was. Ms. Wilson stated that the typical lot size is 50 feet in width and they range from 120 to 130 feet in depth. Commission Member Tate asked how many lots there would be per acre. Mr. Michael Quint, Senior Planner, for the City of McKinney, stated that the density is not changing. Ms. Wilson stated that the change related to the setbacks, not the number of lots. Commission Member Tate asked what size of home would be constructed. Mr. Quint stated that would be a question for the applicant. Commission Member Feldt recommended for future references it would be useful to provide the Commission a table to compare the before and after rather than have to read it in text. Chairperson Clark clarified that the density was not going to be changed and that bigger homes would be built. Ms. Wilson stated that it is not necessarily a bigger house; it is a house that has a larger footprint because instead of constructing a 2 story home the applicant wants to construct a 1 story home that tends to have a larger footprint. Mr. Mac McCloud, 101 East Davis Street, McKinney, Texas, stated he is in agreement with Staff recommendations. Commission Member Tate asked what the size of the homes would be built. Mr. McCloud stated that homes would be about 2,500 – 3,200 square feet. Chairperson Clark asked Mr. McCloud why the applicant is asking to deviate from the current setbacks. Mr.

McCloud stated that they are not asking for deviation, they are staying with what the “REC” – Regional Employment Center Overlay District requires. He stated that they are trying to make the existing homes match with the new homes that will be built. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Radke, seconded by Commission Member Feldt, the Commission voted 6-0 to close the public hearing and recommend approval of the proposed rezoning request 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 January 5, 2010.

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Eldorado Land Company, L.P., for Approval of a Site Plan for a Gymnastics Facility (Texas Best Gymnastics), Approximately 2.47 Acres, Located Approximately 300 Feet South of Eldorado Parkway and Approximately 300 Feet West of Hudson Crossing.

**09-151SP*
PH**

Ms. Abra Nusser, Planner for the City of McKinney, stated that the applicant is proposing a site plan to develop a gymnastics facility called Texas Best Gymnastics. She stated that the applicant has stated that in addition to a gymnastics program, preschool, after-school, and martial arts programs will be provided. Ms. Nusser stated that the applicant has submitted an associated preliminary-final plat which was on the consent agenda earlier that evening. She stated that access for the site is in conformance with the approved access management plan, and the subject property will have indirect access to both Eldorado Parkway and Hudson Crossing via fire lane and mutual access easements. Ms. Nusser stated that Staff is recommending one condition of approval, with respect to access, which would require the applicant to file the easements by separate instrument necessary to provide access to the subject property from Hudson Crossing. She stated that the Zoning Ordinance requires minimum standards for parking, loading, and landscaping, and the applicant has met the minimum requirements. Ms. Nusser also stated that the applicant is proposing three bay doors to ventilate the proposed facility and the Zoning

Ordinance requires minimum screening for bay doors. It states that they must be screened from view from public right-of-way, from adjacent residential property, and from adjacent non-residential property, other than industrial. She added that the bay doors would be for ventilation purposes only and would not be for loading. Ms. Nusser stated that the applicant is proposing three living plant screens to satisfy the aforementioned requirement, and commented that the living plant screens require approval by the Planning and Zoning Commission. Ms. Nusser stated that Staff feels the proposed living plant screens should suitably screen the bay doors from the adjacent multi-family residential property to the south and from the adjacent non-residential property to the west. She stated that Staff recommends the Planning and Zoning Commission approve the living plant screens as proposed. Ms. Nusser stated that there is an existing apartment complex adjacent to the subject property to the south, and the applicant has proposed screening along the shared property line in accordance with the governing planned development district. She stated that the second condition is just a minor adjustment of a tree along the southern property line to conform with the required screening for the subject property. Ms. Nusser stated that the Planning and Zoning Commission is required, per the governing planned development district, to review the proposed elevations for conformance with the requirements set forth in the "PD" – Planned Development District. She stated that the PD states that the elevation drawings should be reviewed to ensure architectural continuity among all of the buildings located within the immediate development, and to ensure reasonable continuity and harmony for all four sides of the proposed building, especially where visible from streets, internal drives, or residential districts. Ms. Nusser provided elevations of the surrounding development to the Planning and Zoning Commission for reference. She stated that the applicant has proposed a synthetic stone similar to the surrounding development and a copper-colored standing seam metal roof. She stated that Staff recommends approval of the proposed site plan and the three living plant screens with the conditions listed in the staff report. Chairperson Clark asked if the standing seam metal roof is allowed in the City of McKinney. Ms. Nusser stated that it is allowed and stated that it is metal with copper-colored finish.

Commission Member Tate asked if there is a minimum size of the Nellie R. Stevens Holly shrubs for screening. Ms. Nusser answered yes and stated that the applicant will be planting 48-inch shrubs. Mr. Brandon Opiela, Senior Planner for the City of McKinney, stated that the shrubs need to be three feet in height at time of planting. Commission Member Lingenfelter asked if the property easement had been worked out between the property owner and the adjacent property owners. Ms. Nusser stated that the developer is still coordinating with the general area and stated it should not be a problem. She stated that the applicant is choosing to file the gymnastics plat separately from the other two lots that were included in the preliminary-final plat (09-149PF) and that is why they have to be filed as a separate instrument because the other lots are not coming in yet. Mr. Josh Lincoln, 1512 Bray Central Drive, Suite 100, McKinney, Texas, explained the roof will have a copper metallic finish. Commission Member Feldt asked if the roof would turn green. Mr. Lincoln answered no, it would be a painted finish. Chairperson Clark opened the public hearing and called for comments. Ms. Shahar Siddiqui, 3905 Nevada Court, McKinney, Texas, asked how many parking spaces the facility would have. Commission Member Feldt answered 78 parking spaces. On a motion by Vice-Chairperson Lindsay, Commission Member Lingenfelter, the Commission voted 6-0 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.

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Corwin Engineering, Inc., on Behalf of Mayfair Commercial, for Approval of a Minor Replat for Lots 1R4 and 8, Block B, of the Custer Crossing Addition, Approximately 2.47 Acres, Located Approximately 250 Feet South of Stonebridge Drive and East of Lakota Trail.

**09-098MRP*
PH**

Ms. Brooks Wilson, Planner for the City of McKinney, stated that the subject property is located east of Custer Road and south of Stonebridge Drive in a retail/office park called Custer Crossing. She stated that the purpose of the minor replat is to subdivide existing Lot 1R3, Block B of the Custer Crossing Addition into two lots for resale purposes and stated that the land uses on the

lots will not change and also stated that both retail and office uses are allowed. Ms. Wilson stated that both of the proposed lots will meet the minimum size and setback requirements of the zoning district and access to the proposed lots is in conformance with the associated access management plan (09-104AMP). She stated that direct access is provided from Lakota Trail to proposed Lot 8 and Lot 1R4 will have indirect access via fire lane and mutual access easements to the north and south. Ms. Wilson stated that proposed Lot 8 must provide cross access to the tract of land to the south of the subject property, Storybook Ranch and without this cross access, Storybook Ranch Subdivision could only attain one point of emergency access, which is to Custer Road. She stated that Staff recommends approval of the proposed minor replat, as conditioned in the staff report. Mr. Jim Richey, 5020 Tennyson Parkway, Plano, Texas, stated he is in agreement with Staff's recommendations and clarified that they would not have to build the south access connection since they do not need it and the adjacent property would have to provide the access connection once they developed their property. Chairperson Clark asked if the adjacent property had been asked to provide access easement but not construct the connection. Mr. Richey answered yes. Mr. Michael Quint, Senior Planner for the City of McKinney, stated that Chairperson Clark's statement was correct. He stated that the owners of the southern property would achieve a second point of access and have the obligation to construct the access drive when they develop the property. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Lingenfelter, seconded by Commission Member Tate, the Commission voted 6-0 to close the public hearing and recommend approval of 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.

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

ROBERT S. CLARK, CHAIRPERSON