

**MINUTES
CITY OF MCKINNEY, TEXAS
PLANNING & ZONING COMMISSION
TUESDAY, AUGUST 24, 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, August 24, 2010 at 6:30 p.m.

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

There were approximately 20 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 September 21, 2010, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by August 26, 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
August 10, 2010 Planning and Zoning
Commission Regular Meeting.**

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

Chairperson Clark began the agenda with the Regular Items.

10-060Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Nash Group Real Estate, on Behalf of Reyburn Anderson, Wanda Perry Anderson, and Kimberly Anderson Mayer, for Approval of a Request to Rezone Approximately 37.67 Acres, from “AG” – Agricultural 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 East Side of Custer Road and Approximately 500 Feet South of Synergy Drive.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report and stated that the applicant is requesting to rezone approximately 38 acres of land to modify the development standards. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report. Commission Member Messer asked if there was a minimum restaurant size under the “BN” – Neighborhood Business Zoning District. Ms. Nusser stated that there is no minimum, but there are maximum space limits for the district. Commission Member Messer asked if drive-through restaurants are allowed in the “BG” – General Business District. Ms. Nusser explained that they are allowed in “BG” – General Business District, but they are allowed in the “BN” – Neighborhood Business with a specific use permit; the applicant is proposing to remove the specific use permit requirement and allow them by right. Commission Member Tate asked Ms. Nusser to explain the provision regarding incidental retail. Ms. Nusser stated that that provision would allow an office building to provide a café or service within the building that would be incidental to the primary use, just for the employees. Chairperson Clark called the applicant forward. Mr. Jack Barrier, 2905 Quail Hollow Drive, McKinney, Texas, stated that they are in agreement with Staff’s comments, is available for questions, and complimented City Staff. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Messer, seconded by Commission Member Lingenfelter,

the Commission voted 6-0 to close the public hearing and approve 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 September 21, 2010.

10-079SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering & Consultants, on Behalf of Virginia-Jordan, L.L.C., for Approval of a Site Plan for Imagine Charter School, Approximately 9.06 Acres, Located on the West Side of Jordan Road and Approximately 250 Feet North of Virginia Parkway.

Ms. Abra Nusser, Planner for the City of McKinney, stated that the applicant is proposing a site plan to construct Imagine Charter School. She stated that Staff recommends approval of the proposed site plan with the conditions listed in the staff report. Commission Member Sean Lingenfelter asked if there were going to be children around. Ms. Nusser stated that the school will have kindergarten through 12th grade. Commission Member Lingenfelter discussed his concerns regarding cut-through traffic with Staff. Chairperson Clark called the applicant forward. Mr. Jon David Cross, 106 West Louisiana Street, McKinney, Texas, stated that they are in agreement with Staff's recommendations and are available for questions. 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 approve the proposed site plan as conditioned in the staff report.

09-102SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by MJR Engineering, Inc., on Behalf of McKinney Islamic Association Inc., for Approval of a Site Plan for a Retail Shell Building, Approximately 1.07 Acres, Located Approximately 300 Feet North of Eldorado Parkway and Approximately 400 Feet East of Hardin Boulevard.

Ms. Abra Nusser, Planner for the City of McKinney, stated that the applicant is proposing a site plan to construct a retail shell building. She stated that Staff recommends approval of the proposed site plan as conditioned in the staff report. Commission Member Tate discussed what uses are allowed on the subject

property within the current zoning district with Staff. Commission Member Tate asked if a church is an allowed use. Ms. Cox stated that a place of worship is an allowed use under the current zoning district. Commission Member Messer asked if the proposed retail building would have enough parking if it were to be a church. Ms. Cox stated that the proposed site plan has enough parking for retail uses. She stated that if the applicant changes the use to a place of worship, then the applicant would have to site plan parking according to a place of worship use. Commission Member Lingenfelter asked what the difference in number of parking spaces would be for retail versus a church. Ms. Cox stated that the Zoning Ordinance requires one parking space per every three seats in the main auditorium, sanctuary, or whatever the gathering room may be. Commission Member Feldt clarified that the parking requirement is a minimum. Ms. Cox confirmed that was correct. Commission Member Messer discussed the access proposed to the site with Staff. Commission Member Messer asked if they could get out through the back of the proposed site. Ms. Nusser answered no. Commission Member Tate asked if the applicant would be using the existing tree line as alternate screening. Ms. Nusser answered yes. Commission Member Tate discussed allowed screening devices with Staff. Chairperson Clark stated that the Planning and Zoning Commission might not want to approve the alternate screening device. Ms. Nusser stated that a masonry screening wall may be problematic to provide due to the significant grade change in that area with the slope of the creek. Chairperson Clark continued discussing screening options with Staff. Commission Member Messer asked if there would be a significant amount of the existing trees removed. Ms. Nusser answered yes and stated that if the applicant had to place a masonry screening wall or something of that nature along the northern area of the property, they would have to do additional grading into the tree area to create a stable foundation. Commission Member Messer asked if there is any tree mitigation applicable. Mr. Michael Quint, Senior Planner for the City of McKinney, stated that no tree mitigation would be required to a point and stated that there are maximum allowances as to how many quality trees can be removed from the floodplain. Chairperson Clark asked the applicant to come forward. Mr. Mousa Abudaabes, 1799 N.

Graves Street, McKinney, Texas, a representative of the owner, stated that they plan to use part of the building as a place of worship or prayer hall and described the congregation members. He stated that the reason they elected to have a shell building is because in the future, if the number of Muslims grew, they would at that point move to a new building and use the proposed building for retail uses. Ms. Cox asked Mr. Abudaabes if they intended to use the shell building for a place of worship. Mr. Abudaabes answered yes, part of it. Ms. Cox stated that the application reflected a building that would be used for retail uses, which is different than a place of worship. Mr. Abudaabes stated that his understanding is that the application was for a shell building. Ms. Cox stated that the application is for a shell building for retail uses, and the parking requirement for retail uses is not the same as for a place of worship. Ms. Cox stated that based on the new information provided by the applicant, Staff recommends the Commission table the site plan so that the applicant can revise the plans to reflect the accurate proposed uses for the building. Mr. Mohammed Kamal, 7953 Pinkerton Court, Plano, Texas, stated that the plan was to get the site plan approved as a retail shell then, after the retail shell was approved, the Islamic Association was planning to apply for a tenant finish-out permit. At that time, they would specify how much space each proposed use would have. Chairperson Clark stated that the problem is that the parking issue needs to be addressed upfront. Mr. Kamal stated that they provided 37 parking spaces, and if the building would be used for a place of worship, then the occupant load would be determined according to the amount of parking spaces provided. Chairperson Clark opened the public hearing and called for comments. Mr. Jack Barrier, 2905 Quail Hollow, McKinney, Texas, asked questions regarding future expansion, parking requirements, protection of the creek, screening, and potential changes in use. Ms. Linda Clark, 2216 Forest Circle, McKinney, Texas, stated that she is in opposition to the proposed site plan due to the lack of certainty as to what the plans are for the use of the building and access concerns. Mr. Muzzammil T. Ahmed, 2108 Hobkirks Hill, McKinney, Texas, stated that he is in favor of the proposed site plan and stated that statistics show that anywhere there is an Islamic center, property values have gone up in the adjacent areas. He stated

that the proposed building would have the same access as existing buildings in the immediate vicinity. Commission Member Tate, seconded by Commission Member Messer, discussed a motion, but Chairperson Clark paused discussion on the motion to clarify that Staff's recommendation had changed and asked Staff to restate the revised recommendation. Ms. Cox stated that Staff recommends tabling the proposed site plan so that the applicant can change their letter of intent to reflect the place of worship use and to site plan the proposed use with appropriate parking. She also stated that since there were concerns with screening, Staff could also work with the applicant to come to an agreement on the screening. Ms. Cox reiterated that a place of worship is an allowed use within the zoning district. Commission Member Tate stated that a place of worship is not what was applied for, but he and Commission Member Messer agreed that tabling was the best course of action at this time based on the information provided by the applicant. On a motion by Commission Member Tate, seconded by Commission Member Messer, the Commission voted 2-4 to close the public hearing and deny the proposed site plan. Commission Member Tate and Messer voted to approve the motion, but the motion failed. On a motion by Vice-Chairperson Lindsay, seconded by Commission Member Feldt, the Commission voted 4-2 to close the public hearing and table the proposed site plan indefinitely. Commission Member Feldt and Tate voted to deny the motion, but the motion passed. Ms. Cox discussed the process for the applicant to revise the plans based on the approved motion and stated that the property owners would be re-notified when the item was rescheduled for consideration. Vice-Chairperson Lindsay asked Staff to respond to the questions asked during the public hearing. Mr. Quint discussed procedure for modification to the site plan, parking requirements, creek protection, tree mitigation, screening, and potential changes in use. He reiterated that the worship use of the building is an allowed use under the zoning district as long as the use has adequate parking and meets the other requirements of the Zoning Ordinance. Chairperson Clark reiterated that the application was for a retail shell building and Staff did not review an application for a place of worship. Commission Member Tate reiterated his concern about the screening device.

Kevin Spath, Senior Planner for the City of McKinney gave an update on the Town Center Study and proposed TIF District.

There being no further business, Chairperson Clark declared the meeting adjourned at 7:30 p.m.

ROBERT S. CLARK, CHAIRPERSON