

**MINUTES  
CITY OF MCKINNEY, TEXAS  
PLANNING & ZONING COMMISSION  
TUESDAY, SEPTEMBER 28, 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, September 28, 2010 at 6:30 p.m.

Commission Members present were Robert S. Clark, Lance Lindsay, Darrell Tate, Mark Messer, Kevin Feldt, Sean Lingenfelter, and Jack Radke. Council Member present was Travis Ussery. Staff members present were Director of Planning Jennifer Cox, Senior Planners Brandon Opiela, Michael Quint, Planner Anthony Satarino, Planning Technician Alex Glushko and Administrative Assistant Blanca Garcia.

There were approximately 30 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 October 19, 2010, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by September 30, 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  
September 14, 2010 Planning and Zoning  
Commission Regular Meeting.**

On a motion by Vice-Chairperson Lindsay, seconded by Commission Member Feldt, the Commission voted 7-0 to approve the Consent Items.

Chairperson Clark began the agenda with the Regular Items.

**10-071Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Southern Land Company, on Behalf of SLC McKinney Partners, L.P., for Approval of a Request to Rezone Approximately 332.68 Acres, from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 2,000 Feet East of Stonebridge Drive.**

Mr. Michael Quint, Senior Planner for the City of McKinney, gave the staff report and stated that the applicant is requesting to rezone the subject property generally to modify the development standards. He stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the revised staff report. Mr. Doug Sharp, 1550 West McEwen Drive, Suite 200, Franklin, Tennessee, stated that he is in agreement with Staff's recommendations and asked for the Planning and Zoning Commission's favorable approval. 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 7-0 to close the public hearing and recommend approval of the proposed rezoning request with the special ordinance provisions listed in the revised staff report. Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council for action on October 19, 2010.

**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 Mosque Building (McKinney Islamic Center), Approximately 1.07 Acres, Located Approximately 300 Feet North of Eldorado Parkway and Approximately 400 Feet East of Hardin Boulevard.**

Mr. Brandon Opiela, Senior Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing to construct a 4,000 square foot mosque building (McKinney Islamic Center) on the subject property. He stated that this item was previously considered by the Planning and Zoning Commission on August 24, 2010, but the applicant has since changed the proposed use of the

building from retail to a place of worship. Mr. Opiela stated that a place of worship is an allowed use per the existing governing ordinance that has been in place since September 1, 1987. He stated that the applicant is requesting approval to use the existing tree line north of the subject property to satisfy the applicant's screening requirement adjacent to residential. Mr. Opiela stated that the Planning and Zoning Commission has the authority to approve or disapprove the alternate screening device. He stated if the Planning and Zoning would chose to deny the variance to allow the existing tree line, the applicant would then have to provide a six foot masonry wall, or a six foot wrought iron wall with masonry columns every 20 feet and evergreen screening shrubs along the wrought iron fence. He stated that Staff recommends approval of the proposed site plan with the applicant's alternate screening device request and with the additional conditions listed in the staff report. Commission Member Lingenfelter asked how Staff regulated the three people per parking space ratio. Mr. Opiela stated that the normal parking requirement for churches is one parking space for every three seats in the main auditorium and stated that same calculation would apply for this case. Commission Member Tate asked if the proposed mosque will have an outdoor speaker. Mr. Opiela suggested that the question be asked to the applicant and stated if the mosque would have an outside speaker it would have to follow the City of McKinney's performance standards. Commission Member Feldt thanked Staff for the pictures provided for the agenda item and stated that they were very helpful. Commission Member Messer asked if the applicant were to place the masonry wall, how many trees would be taken out. Mr. Opiela stated he was uncertain of the number of trees that would be taken out due to the existing slope. Commission Member Messer asked if they had the option of doing wrought iron or solid fencing. Mr. Opiela answered yes, and stated if the Planning and Zoning Commission denied approval of the alternate screening device, the applicant could choose between wrought iron with masonry columns every 20 feet with evergreen screening or a six foot masonry wall. Commission Member Messer stated if screening remains as is, the neighbors to the north have concerns on screening especially during the winter months when the trees do not have leaf coverage. Mr. Opiela stated that the City Arborist went

to the site and found the area to be heavily wooded with approximately 5% of the tree line being evergreen trees. Mr. Michael Quint, Senior Planner for the City of McKinney stated that the City of McKinney has a Lighting Ordinance that regulates how much light can spill over a property line and stated that this property would be required to meet the Lighting Ordinance regulations. Mr. Opiela stated that based on the location of the proposed development it would be difficult to have lighting spill over the property line due to the creek and distance from the property line. Commission Member Tate stated that there are concerns regarding waiving the screening device request. Mr. Opiela stated that it is well within the Planning and Zoning Commission's right to approve or disapprove the alternate screening device and stated that it is a variance that only the Planning and Zoning Commission can have the authority to approve or deny. Mr. Mohammed Kamal, 7953 Pinkerton Court, Plano, Texas, clarified the concerns about the speakers outside the building and screening variance. He stated that there are several mosques in the Dallas, Richardson and Plano areas that do not have speakers outside of their buildings. Mr. Kamal stated that the speakers are inside the buildings and may only be heard if you stand right outside the door. He stated that as for the screening device variance, they are willing to abide with whatever decision the Planning and Zoning Commission decide on. Mr. Kamal stated that the proposed mosque will not look like a mosque, it would look like a retail shopping center. Chairperson Clark stated that there is a concern that the building has a capacity for 100 people and that is the only amount that can be parked on their property. He stated if there are more than 100 people then that would cause a parking problem for the other property owners around the proposed development. Chairperson Clark asked Mr. Kamal, how he planned to keep the capacity at 100 people. Mr. Kamal stated that proposed building will not have enough room for additional people due to the way the building is laid out. He stated that there is a certain amount of space between persons that every one keeps.

The following people stated their concerns on the proposed site plan:

Jack Barrier, 2905 Quail Hollow, McKinney, Texas, stated he had the following concerns: screening, increased traffic and traffic signs. He stated that he did not

want anything coming into that location but did not oppose the proposed site plan.

Dennis Lukich, 2810 Glen Hollow, McKinney, Texas, stated he had no issues with type of religion. He stated his issues were traffic, access to the site, zoning, loss of sales taxes and noise. Chairperson Clark stated that a church is allowed by right and it is not being rezoned. He also stated that taxes are not an issue because a church is an allowed use for the location.

Dan Duren, 2325 Creekridge Drive, McKinney, Texas, stated his concerns were screening and parking ratio.

Jeff Vernier, 2612 Doe Run, McKinney, Texas, stated he would prefer nothing to go there due to increased traffic and possible decrease in home value.

Linda Clark, 2216 Forest Circle, McKinney, Texas stated her concerns were that there would be other surprises from the applicant since the applicant's intentions on building a mosque was something that was not disclosed in the previous meeting, and the applicant had to make changes to the letter of intent to show what they were actually going to build.

Shalmir Lukich, 2810 Glen Hollow, McKinney, Texas, stated that she is concerned about loss of property taxes, traffic, noise, loss of property values, applicant changing the use from retail to mosque at the last minute, the time frame that the proposed mosque will be at the location, and parking. Ms. Jennifer Cox, Director of Planning for the City of McKinney, stated that once a proposed building has been approved and constructed, that use can go on indefinitely, even if the applicant says that the mosque will only be there for a specific amount of time. She stated that Staff cannot enforce a time limit on a proposed use.

The following people spoke in favor of the proposed site plan:

Muhammad Asif, 10229 Flat Creek Trail, McKinney, Texas

Carolyn G. Manuel, 2705 Doe Run, McKinney, Texas

On a motion by Commission Member Tate, seconded by Commission Member Radke, the Commission voted 7-0 to close the public hearing. Vice-Chairperson Lindsay asked Staff to clarify traffic concerns. Mr. Opiela stated when the plans for the development were set in 1987, Eldorado Parkway and

Hardin Boulevard were capable of handling the additional traffic generated by the proposed development. He stated that the Engineering Department feels comfortable with the traffic on-site and stated that they feel that the adjacent roadways have the capacity to handle the additional traffic properly. Ms. Jennifer Cox, Director of Planning, stated that there were several concerns from citizens stating that they have current traffic issues and asked the audience to give Staff their contact information so that Staff can address their issues with the Engineering Department to see if something can be done to better manage the traffic circulation. Commission Member Feldt stated that as a Transportation Planner, he is in agreement with Staff's comments and he would not see any major issues with traffic on the proposed site. Commission Member Tate stated he has an issue with the proposed screening device and stated that the Planning and Zoning Commission should require an approved screening device as they do with other sites. Mr. Opiela asked Commission Member Tate to confirm that he is asking the screening device to be on the approved list, such as a masonry screening wall, or wrought iron fence with masonry columns and screening shrubs. Commission Member Tate answered yes. On a motion by Vice-Chairperson Lindsay, seconded by Commission Member Radke, the Commission voted 5-2 to approve the proposed site plan as conditioned in the staff report. Commission Members Tate and Lingenfelter voted against the motion to 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.

**10-082SUP/SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by O'Reilly Automotive, Inc., for Approval of a Specific Use Permit and Site Plan 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.**

Mr. Brandon Opiela, Senior Planner for the City of McKinney, explained that Staff recommends the Planning and Zoning Commission table the proposed specific use permit and site plan as 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 specific use permit and site plan to the October 12, 2010 meeting.

**10-086MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of Inwood Hills #1, HOA, for Approval of a Minor Replat for Lot 12, Block H, and Common Area H-1R, of the Inwood Hills, Phase 1 Addition, Approximately 1.35 Acres, Located on the Southeast Corner of Park Meadow Lane and Bent Creek Road.**

Mr. Anthony Satarino, Planner for the City of McKinney, gave the staff report and stated that the applicant is proposing to subdivide Common Area H-1 into two lots. He stated that Staff recommends approval of the proposed minor replat as conditioned in the staff report. Mr. Jed Dolson, 3131 Harvard Avenue, Suite 103, Dallas, Texas, stated that he had no comments. 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 7-0 to close the public hearing and approve the proposed minor replat as conditioned on the staff report. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

**09-136M Conduct a Public Hearing to Consider/Discuss on the Request by the City of McKinney, for Approval of the Request to Amend Multiple Sections of the Subdivision and Zoning Regulations (Chapters 142 and 146 of the Code of Ordinances).**

Mr. Michael Quint, Senior Planner for the City of McKinney, gave the staff report and stated that Staff has compiled a list of proposed amendments to the Subdivision and Zoning Ordinances including the Schedule of Uses. He stated that Staff recommends the Planning and Zoning Commission hold a public hearing and consider/discuss the proposed changes to the City of McKinney's Subdivision and Zoning Ordinances. Commission Member Messer asked what would happen to site plans that do not go through the Planning and Zoning Commission process. Mr. Quint stated that if the site plan met all the City of

McKinney's regulations then Staff will issue an approval letter. Commission Member Tate asked if Staff was going to implement all of the 305 Zucker Study recommendations. Mr. Quint stated he did not want to focus too much on the Zucker recommendations and stated that Staff is taking a proactive approach addressing those recommendations. He stated that John Kessel, Executive Director of Development Services for the City of McKinney, has scheduled agenda items that will be going to City Council to address how Staff is addressing all of the Zucker Study recommendations. Chairperson Clark stated that there will be a public hearing eliminated by Staff approving site plans, and asked how Staff was going to handle that. Mr. Quint stated that sometimes the approval and public hearing process for items that are not discretionary does more harm than it does good. He stated when there is a public hearing and people are very passionate about it and speak to the item and then the Planning and Zoning Commission approves it because the item meets the City of McKinney's regulations, it does more harm than good. Mr. Quint stated that Staff posts all the applications on the City's websites and suggest that the residents talk to Staff if they have questions. Commission Member Messer asked if the Planned Development would have to have something exceptional. Mr. Quint stated that Staff is trying to make the planned development section be more in line with the City's current process. He stated that planned development was never intended to waive or reduce all the standards and get a substandard product. Commission Member Messer asked if meritorious exception would be approved by Staff. Mr. Quint answered no and stated that meritorious exception would still be going through the Planning and Zoning Commission process for approval. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Vice-Chairperson Lindsay, seconded by Commission Member Lingenfelter, the Commission voted 7-0 to close the public hearing. Chairperson Clark stated that the proposed ordinance amendments will be forwarded to the Planning and Zoning Commission and the City Council, at a special joint meeting on October 25, 2010.

Jennifer Cox, Director of Planning for the City of McKinney thanked Mark Messer, Lance Lindsay, and Kevin Feldt for serving on the Planning and Zoning



Commission, since their term for serving on the Planning and Zoning Commission expired.

There being no further business, Chairperson Clark declared the meeting adjourned at 7:55 p.m.

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ROBERT S. CLARK, CHAIRPERSON