

**MINUTES
CITY OF MCKINNEY, TEXAS
PLANNING & ZONING COMMISSION
TUESDAY, AUGUST 10, 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 10, 2010 at 6:30 p.m.

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

There were 27 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 7, 2010, unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by August 12, 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
July 27, 2010 Planning and Zoning
Commission Regular Meeting.**

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

Chairperson Clark began the agenda with the Regular Items.

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.

Chairperson Clark explained that Staff recommends the Planning and Zoning Commission table the proposed rezoning request. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Messer, seconded by Commission Member Tate, the Commission voted 6-0 to close the public hearing and table the proposed rezoning request to the August 24, 2010 meeting.

04-411Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn and Associates, Inc., on Behalf of Haggard Enterprises, LTD, for Approval of a Request to Rezone Approximately 67.22 Acres from "AG" – Agricultural District to "PD" – Planned Development District, Generally for Residential and Commercial Uses, and Zone Approximately 67.22 Acres as "PD" – Planned Development District, Generally for Residential and Commercial Uses, Located on the Southeast Corner of FM 2478 (Custer Road) and FM 1461.

Ms. Brooks Wilson gave the staff report and stated that the applicant is requesting to rezone approximately 67.22 acres of land from "AG" – Agricultural District to "PD" – Planned Development District, generally for low density residential, medium density residential and retail/commercial uses. She stated that an additional 67.22 acres of land that is currently in McKinney's extraterritorial jurisdiction (ETJ) is also requested to be zoned to "PD" – Planned Development District, generally for low density residential, medium density residential and retail/commercial uses. Ms. Wilson stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report. Commission Member Lingenfelter stated that he was concerned about

the increase in storm water run off due to the requested increase in the maximum lot coverage. Ms. Wilson stated that the Engineering Department stated that this run off would be addressed with platting. Commission Member Tate asked how wide the proposed streets would be and asked if a fire truck would be able to go in. Ms. Wilson stated that the widths of the streets are going to be built to City of McKinney's standards. Mr. Quint, Senior Planner for the City of McKinney stated that at this point Staff is only addressing land uses and zoning for the subject property. Commission Member Feldt asked if the zoning request was compatible with the Wilmeth Road extension alternative. Ms. Wilson stated that the subject property is further north of Wilmeth Road and is not impacted by the proposed realignment. Commission Member Feldt asked if it was possible to set aside additional right of way in this particular application for potential needs at the intersection for grade separation. Mr. Quint stated that the applicant is not dealing with right-of-way at this point and that it will be dealt with at the time of platting. Mr. Quint stated when the applicant plats the property, the applicant will have to provide the right-of-way dedications necessary to develop the property. Commission Member Feldt asked if it would be a problem if it would encroach the commercial zoning. Mr. Quint stated that the applicant would have to plan for that. Commission Member Feldt asked if there are any schools proposed for that area. He also asked if schools are allowed in that area. Ms. Wilson stated that schools are allowed in all residential districts. Ms. Ashley Frysinger, 12700 Park Central Drive, Dallas, Texas, stated that she was 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 Radke, the Commission voted 6-0 to close the public hearing and approve the proposed rezoning request with the special ordinance provisions listed 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.

**10-050SP Conduct a Public Hearing to
Consider/Discuss/Act on the Request by
Hart, Gaulger & Associates, Inc., on Behalf
of Crosspoint Church for Approval of a Site
Plan for an Educational Building,**

(Crosspoint Church), Approximately 12.00 Acres, Located on the East Side of Stonebridge Drive and on the West Side of Coronado Drive.

Ms. Abra Nusser gave the staff report and stated that that applicant is proposing a site plan for an educational building and additional parking and fire lanes for Crosspoint Church. She stated that there was a change to the staff report; the condition to revise the landscape plan to remove the parking spaces is being altered. Ms. Nusser stated that the applicant informed her prior to the meeting that they would like to keep the parking spaces since they are existing and stated that the condition will be revised to reflect adding the parking spaces to the site plan as reflected on the landscape plan. She stated that the site data table will be updated to reflect the provided number of parking spaces. Ms. Nusser stated that there have been three issues concerning the adjacent residents which include screening along the southern property line, property owners within 200 feet obtaining property owner notices, and an inaccurate layout had been circulated around the neighborhood by one of the neighbors. She stated that Staff recommends approval of the proposed site plan with the conditions listed on the staff report as amended. Commission Member Feldt discussed the number of parking spaces provided on the site and inquired why so many extra spaces were being proposed. He asked if there was anything that Staff could do to rectify having so many parking spaces. Mr. Brandon Opiela, Senior Planner for the City of McKinney, stated that Staff is researching revising the parking standards, which may or may not include a maximum number of allowed parking spaces when Staff presents the ordinance options to City Council in a few months. He stated that under the current Zoning Ordinance, the applicant is allowed to over-park the site. Mr. Opiela stated that the number of parking spaces will be a cumulative 260 spaces not 475 spaces. He stated that some of the parking may be for when they develop future phases. Commission Member Feldt stated that if there is never a future phase, then they would be 100 percent over-parked. Mr. Opiela stated that the applicant may feel those spaces are necessary. Chairperson Clark stated that the requirement is a minimum requirement and that the maximum requirement is a City Council issue.

Commission Member Feldt stated he understood. Chairperson Clark asked if the inaccurate circulated plan was a plan for the entire development. Ms. Nusser stated that the applicant had gone back forth between site planning the entire development and just the one additional building, and the plan circulated by a neighbor was a preliminary plan for the entire development. She stated the applicant decided to site plan the one additional building and add some of the parking and not plan the entire development, and the plan that was circulated was not being proposed. Chairperson Clark asked if the applicant had to come back through the Planning and Zoning Commission and site plan process if they were to add anything to the property. Ms. Nusser replied yes. Commission Member Tate asked if there were houses to the east of the property line. Ms. Nusser answered yes, but not adjacent to it. Commission Member Tate asked what the distance between the subject property and adjacent residences was. Ms. Nusser stated it was at least 400 feet away which is why they did not receive property owner notices. Mr. Tate stated that a concern that had been expressed to him of lights or glare, but due to the distance, it would not be a problem. Chairperson Clark stated that the applicant would be required to follow the City's Lighting Ordinance. Ms. Nusser stated that there are no parking spaces adjacent to the residences. The applicant stated he was available for any questions. Chairperson Clark opened the public hearing and called for comments.

The following citizens spoke in opposition of the proposed site plan:

Ms. Mary Patrick 7516 Summer Glenn Drive McKinney Texas

Mr. Jerry Patrick 7516 Summer Glenn Drive McKinney Texas

Mr. Steven Mueller 7512 Summer Glen Drive McKinney Texas

Ms. Christine Jenkins 3100 New York Drive McKinney Texas

On a motion by Commission Member Messer, seconded by Commission Member Tate, the Commission voted 6-0 to close the public hearing. Commission Member Tate stated he would like to hear what the applicant is proposing for screening. Mr. Opiela stated that in accordance with Planned Development District Ordinance 1621, the governing zoning district, multiple screening options were allowed, and the option that the applicant chose was a six foot living screen. He stated that the applicant also provided trees, one per

40 linear feet, in addition to the shrubs. Commission Member Lingenfelter asked what would be typically required for screening if it was a commercial building instead of a church. Mr. Opiela stated that per the planned development district, a non-residential use, such as a church, would be similar to a bank or school and would follow the same screening requirements. Commission Member Messer asked if the applicant would consider meeting with the property owners. Mr. John Blacker 12801 North Central Expressway, Dallas, Texas, and Mr. Shane Garthoff, 5646 Milton Drive, Dallas, Texas, stated that they would be willing to look at other plant material to use for screening and stated they were not interested in tabling the item. Chairperson Clark asked if they were willing to meet with the adjacent neighborhood citizens to discuss screening for the proposed site plan. Mr. Blacker answered yes. Mr. Opiela stated that Staff is comfortable approving the proposed site plan as is because the proposed Eastern Red Cedars are in the Approved Plant List. He stated that if the church and the adjacent property owners can agree on another shrub that is in the Approved Plant List, then the applicant would be able to do that post approval. On a motion by Commission Member Tate, seconded by Commission Member Messer, the Commission voted 6-0 approve the proposed site plan with the conditions listed in the staff report as amended. Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed site plan.

10-074SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Samaritan Inn, Inc., for Approval of a Site Plan for the Samaritan Inn Office, Approximately 1.18 Acres, Located on the West Side of State Highway 5 (McDonald Street) and Approximately 2,300 Feet South of Wilmeth Road.

Ms. Abra Nusser gave the staff report and stated that the applicant is proposing a site plan for an office building for the Samaritan Inn. She stated that Staff recommends approval of the proposed site plan with the conditions listed in the staff report. Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Messer,

seconded by Commission Member Radke, 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.

There being no further business, Chairperson Clark declared the meeting adjourned at 7:10 p.m.

ROBERT S. CLARK, CHAIRPERSON