

## **PLANNING AND ZONING COMMISSION**

**FEBRUARY 11, 2014**

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, February 11, 2014 at 6:00 p.m.

Commission Members Present: Chairman Rick Franklin, Vice-Chairman George Bush, Jim Gilmore, Matt Hilton, Michael Osuna, and Larry Thompson

Commission Member Absent: David Kochalka

Staff Present: Director of Planning Michael Quint, Planning Manager Brandon Opiela, Planners Samantha Gleinser and Steven Duong, and Administrative Assistant Terri Ramey

There were approximately 25 guests present.

Chairman Franklin called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairman Franklin 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 only heard by the Planning and Zoning Commission and others would be forwarded on to City Council. Chairman Franklin stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. 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. Chairman Franklin 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 the issues.

Chairman Franklin continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Commission Member Hilton, seconded by Commission Member Gilmore, to approve the following two Consent Items with a vote of 6-0-0.

**14-003PF Consider/Discuss/Act on the Request by Corwin Engineering, Inc., on Behalf of Gehan Homes, Ltd., for Approval of a Preliminary-Final Plat for 147 Single Family Residential Lots (Robinson Ridge, Phase V), Being Fewer than 60 Acres, Located on the East Side of County Road 161 and Approximately 3,100 Feet North of Wilmeth Road**

**END OF CONSENT**

Chairman Franklin continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

Chairman Franklin stepped down during the consideration of item # 13-219Z, due to a possible conflict of interest.

**13-219Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of Starnes Creek Venture, Ltd., for Approval of a Request to Zone Fewer than 400 Acres to "PD" - Planned Development District, Located on the North Side of F.M. 1461 and Along the West Side of C.R. 168**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed zoning request. She stated that Staff recommends approval of the proposed zoning request with the special ordinance provision listed in the staff report.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud; Suite # 200; McKinney, TX; concurred with the staff report and discussed the proposed zoning request. He stated that this property is currently going through the annexation process.

Commission Member Hilton asked about the proposed timeframe for the development of the property. Mr. Roeder explained that it could be as short as a couple of years.

Vice-Chairman Bush opened the public hearing and called for comments.

Mr. John Mahar, 4995 F.M. 1461, McKinney, TX, expressed concerns regarding the high density proposed for the property, price points for the residential units, proposed lot sizes, and screening of the development.

Mr. Roeder briefly discussed the proposed lot sizes. He stated that they did not know what the price point will be at this time.

Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that the development regulations attached to this ordinance were in conformance with the Comprehensive Plan and therefore Staff was recommending approval.

Mr. Roeder stated that there are plans to have a major road come off of F.M. 1461 and go through this development. He stated that they plan to have an attractive entrance to the development.

On a motion by Commission Member Thompson, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and recommend approval of the zoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 4, 2014.

Chairman Franklin returned to the meeting.

**14-010Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cates Clark Associates, on Behalf of 810/811 Ventures at Stonebridge Ranch, Ltd., for Approval of a Request to Rezone Fewer than 27 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Northeast Corner of Eldorado Parkway and Custer Road**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report.

Mr. Daniel Stewart, Cates Clark Associates, 14800 Quorum Dr., Suite # 200, Dallas, TX, concurred with the staff report.

Mr. John Rose, 4215 Walnut Hill, Dallas, TX, explained the proposed rezoning request and gave a brief history of the proposed grocery store company. He briefly discussed the proposed screening plans.

Commission Member Hilton mentioned some of the nearby grocery stores and asked for the name of the proposed grocery store on this site. Mr. Rose did not want to reveal the name at this time; however, stated that they feel comfortable competing with the other grocery stores.

Chairman Franklin opened the public hearing and called for comments.

Mr. Sal Castillo, 8513 Luzerne Dr., McKinney, TX, expressed concerns about allowing the applicant to make various site plan changes without having to seek the

Planning and Zoning Commission's approval. He also had concerns about possible screening, lighting, traffic, and noise issues that could affect the nearby residents.

Mr. John Helgeson, 8605 Luzerne Dr., McKinney, TX, turned in a speaker's card with the same concerns as Mr. Castillo; however, he did not wish to speak during the meeting.

On a motion by Commission Member Gilmore, seconded by Vice-Chairman Bush, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 4, 2014.

**14-011Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by McKinney Christian Academy, for Approval of a Request to Rezone Fewer than 60 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. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance and the City of McKinney Comprehensive Plan.

Commission Member Gilmore asked if the previous rezoning request limited the amount of time the current 11 portable buildings were allowed to stay on the property. Ms. Gleinser stated that those portable buildings were allowed to stay there indefinitely.

Commission Member Hilton asked if the applicant had suggested a certain timeframe for the two additional portable buildings for the property. Ms. Gleinser said no.

Mr. Bob Lovelady, McKinney Christian Academy, 3601 Bois D'Arc Rd., McKinney, TX, explained the proposed rezoning request and gave a brief history of the school. He explained that they need additional classroom space. Mr. Lovelady stated that the portable buildings were well maintained and met the State of Texas

requirements. He stated that they were planning to do a feasibility study to see when they might be able to build more permanent structures on the campus.

Vice-Chairman Bush expressed concerns over the portable buildings being allowed to stay on the property indefinitely. He questioned whether or not the McKinney Independent School District was allowed to have portable buildings on their campuses for over 36 months. Mr. Lovelady stated that the McKinney Independent School District had portable buildings on their campuses that were allowed to stay there indefinitely. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the architectural standards were different for private versus public schools. He stated that the public schools were allowed to have portable buildings on their campuses indefinitely; however, private schools were only allowed to have portable buildings on their campuses for 30 months.

Commission Member Osuna asked Mr. Lovelady when the school last built permanent classrooms. Mr. Lovelady stated that there were some classrooms in the Student Life Center that was recently built.

Commission Member Osuna asked Mr. Lovelady if it had been about 10 years since the previous classrooms were built prior to the Student Life Center. Mr. Lovelady said yes.

Chairman Franklin opened the public hearing and called for comments.

Mr. James Casey, McKinney Christian Academy, 3601 Bois D'Arc Rd., McKinney, TX, stated that his son attended McKinney Christian Academy for seven years. He stated that the portable buildings on the campus had recently been remodeled. Mr. Casey felt the campus was well maintained. He wanted to remind the Commission that the school was a nonprofit entity.

Commission Member Gilmore asked how the portable buildings were connected. Mr. Casey stated that they were connected by a continuous wooden deck.

Vice-Chairman Bush asked where the two proposed portable buildings would be located on the campus. Mr. Casey stated that they would be located on the south end of the property.

Vice-Chairman Bush asked if the portable buildings would be visible to houses on Bois D'Arc. Mr. Casey did not believe that the houses on Bois D'Arc could see them;

however, he stated that there were some other houses nearby that might be able to see the portable buildings from their back porches.

Mr. Jerry LaPlante, 3602 Bois D'Arc Rd., McKinney, TX, expressed concerns over adding additional temporary structures on the property, uncontrolled growth of the school, traffic issues, and lack of adequate parking at the school. He stated that the portable buildings were visible from his house.

Mr. Lovelady briefly discussed the growth of the school. He stated that they plan to do a feasibility study to address the possibility of building a permanent structure on the property. Mr. Lovelady stated that they have a staggered start time to help reduce the traffic issues.

Commission Member Thompson expressed concerns about temporary buildings being used indefinitely on the property. He felt there should be a time limit set on how long they could be allowed on the property. Commission Member Thompson asked when Mr. Lovelady felt a permanent structure might be built. Mr. Lovelady stated that the feasibility study would help determine when they could move forward.

Commission Member Thompson asked if the Commission had approved portable buildings being added to the campus about three years ago. Mr. Lovelady said yes.

Commission Member Gilmore asked if the school was at capacity now. Mr. Lovelady said yes and that the student base was expected to grow.

On a motion by Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Thompson asked Staff about setting a time limit on how long the portable buildings could stay at the campus. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the Commission could make that recommendation; however, it would be tough to enforce.

Vice-Chairman Bush stated that eleven portable buildings were already allowed to stay indefinitely on the property.

Chairman Franklin asked if a time limit was approved on the two additional portable buildings, if the school could come back before the Commission to request an extension on how long they are allowed to stay on the property. Mr. Quint stated that a

time limit was initially approved for the current portable buildings; however, when that time was up they came back before the Commission to request the buildings be allowed indefinitely.

Commission Member Gilmore asked if there were any other private schools in McKinney that used portable buildings for classrooms. Mr. Quint could not think of any other private schools that used them.

Commission Member Hilton asked why a feasibility study had not already been completed to see when a permanent solution could be made. Mr. Lovelady was not able to answer his question. He stated that he became the Interim Head of School last year and became the Head of School this year. Mr. Lovelady stated that when he started with the school they started looking into their strategic plan to address the future of the school.

Chairman Franklin stated that he felt this was a unique situation. He stated that the school had a large 60-acre campus and that the school had done a good job of screening the current portable buildings.

Vice-Chairman Bush felt with the campus being so large that there should not be an issue with the surrounding neighbors seeing the portable buildings.

Commission Member Gilmore expressed positive comments about McKinney Christian Academy and Mr. Lovelady.

Commission Member Hilton felt that the surrounding neighbors would monitor the length of time that the portable buildings had been on the property and would let Staff know when the time limit was about up.

On a motion by Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted to recommend approval of the rezoning request as requested by the applicant with the special ordinance provisions listed in the staff report with the added provision that the two portable buildings would not exceed a period of 36 months on the property; however, the motion failed with a vote of 4-2-0. Chairman Franklin, Vice-Chairman Bush, Commission Member Gilmore, and Commission Member Osuna voted nay.

On a motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, the Commission voted to recommend approval of the rezoning request as recommended by Staff, with a vote of 5-1-0. Commission Member Hilton voted nay.

Mr. Brandon Opiela, Planning Manager for the City of McKinney, asked to clarify that the Commission just approved the recommendation by Staff to recommend denial of the rezoning request. Mr. Quint, Planning Director for the City of McKinney, stated that the Commission just approved the recommendation for denial of the rezoning request. He stated that it would take a supermajority vote from City Council to approve the request. Vice-Chairman Bush stated that he made a mistake with his earlier motion and asked if he could rescind it. The Commission agreed to rescind the previous action and take a new motion.

On a motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, the Commission unanimously voted to rescind the previous motion to recommend approval of the rezoning request as recommended by Staff, with a vote of 6-0-0.

On a new motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, the Commission voted to recommend approval of the rezoning request as requested by the applicant with the special ordinance provisions listed in the staff report, with a vote of 4-2-0. Commission Members Hilton and Thompson voted nay.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 4, 2014.

**13-200MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Allen-Correll Engineering, on Behalf of HJR Partners, L.P., for Approval of a Minor Replat for Lots 1R-1, 11, 13, and 14, Block A, of the Stonebridge Parcel 903 Addition, Being Fewer than 14 Acres, Located Approximately 250 Feet East of Stonebridge Drive and on the North Side of Eldorado Parkway**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed minor replat. She stated that Staff recommends approval of the proposed minor replat as conditioned in the staff report.

Mr. Michael Allen, Allen-Correll Engineering, 101 Trails End, Highland Village, TX, concurred with the staff report.



Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Hilton, seconded by Commission Member Osuna, the Commission approved the motion to close the public hearing and approve the proposed minor replat as conditioned in the staff report, with a vote of 6-0-0.

Chairperson Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

**14-008ME Conduct a Public Hearing to Consider/Discuss/Act on the Request by Legacy Homes, for Approval of a Meritorious Exception for Legacy Homes McKinney Apartments, Being Fewer than 12 Acres, Located Approximately 350 Feet East of Community Avenue and Approximately 180 Feet North of White Avenue**

Samantha Gleinser, Planner for the City of McKinney, explained the proposed meritorious exception. She stated that Staff recommends approval of the proposed meritorious exception for the proposed building elevations; however, the applicant also requested approval of covered parking structures utilizing exposed steel support columns which Staff could not support.

Commission Member Thompson asked to clarify that Staff preferred brick instead of steel columns. Ms. Gleinser said yes.

Mr. Ken Schaumburg, Schaumburg Architects, 817 W. Daggett Ave., Fort Worth, TX, explained the proposed meritorious exception request. He felt that the steel columns would have a modern appearance and hold up better. Mr. Schaumburg felt the stucco material on the building would allow them to use more colors and would give a modern feel to the project.

Chairman Franklin opened the public hearing and called for comments.

Ms. Kimberly Gardner, 2400 Glenhaven Dr., McKinney, TX, expressed concerns over the proposed stucco's appearance over time, felt the proposed exterior colors were too bright and preferred a neutral color scheme, and felt there would be privacy and traffic issues.

Mr. Schaumburg stated that the proposed stucco was a high quality material that would have a rubber material that should hold its color for 40 years on the exterior of the stucco. He did not feel that there would be much maintenance needed for it.

Vice-Chairman Bush asked to clarify that they had a minimum of 50 percent masonry for each elevation; however, not on each exterior wall. Mr. Schaumburg stated that was correct.

Chairman Franklin asked to clarify that the proposed use for the property was allowed. Ms. Gleinser said yes.

Commission Member Thompson asked for the proposed setbacks on the property. Ms. Gleinser stated that she was unsure of the setbacks; however, she stated that they were being considered with the site plan request.

Commission Member Thompson asked if the typical setback for windows facing single family detached residential units was 150 feet. Ms. Gleinser said yes.

The Commission unanimously approved the motion by Vice-Chairman Bush, seconded by Commission Member Thompson, to approve the meritorious exception as requested by the applicant, with a vote of 5-1-0. Commission Member Osuna abstained.

Chairperson Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed meritorious exception.

**14-014M      Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend Sections 146-45 (Definitions), 146-70 (RS 120 District), 146-71 (RS 84 District), 146-72 (RS 72 District), 146-73 (RS 60 District), 146-74 (RS 45 District), 146-75 (RD 30 District), 146-76 (RG 27 District), 146-77 (RG 25 District), 146-83 (NC District), 146-84 (BN District), 146-85 (BG District), 146-86 (C District), 146-87 (O-1 District), 146-88 (O District), 146-89 (BC District), 146-90 (ML District), 146-91 (MH District), 146-130 (Vehicle Parking), Appendix F-1 (Schedule of Yards and Setbacks), Appendix F-2 (Schedule of Heights, Areas, and Densities) and Appendix F-4 (Schedule of Uses) of the Zoning Regulations; and to Establish Sections 146-102 (SF12 District), 146-103 (SF10 District), 146-104 (SF8 District), 146-105 (SF7.2 District), 146-106 (SF5 District), 146-107 (DR District), 146-108 (TH District), 146-109 (SO District), 146-110 (RO District), 146-111 (C1 District), 146-112 (C2 District), 146-113 (C3 District), 146-114 (LI District) and 146-115 (HI District) of the Zoning Regulations**

Mr. Michael Quint, Director of Planning for the City of McKinney, discussed the proposed amendments to Sections 146-45 (Definitions), 146-70 (RS 120 District), 146-71 (RS 84 District), 146-72 (RS 72 District), 146-73 (RS 60 District), 146-74 (RS 45 District), 146-75 (RD 30 District), 146-76 (RG 27 District), 146-77 (RG 25 District), 146-

83 (NC District), 146-84 (BN District), 146-85 (BG District), 146-86 (C District), 146-87 (O-1 District), 146-88 (O District), 146-89 (BC District), 146-90 (ML District), 146-91 (MH District), 146-130 (Vehicle Parking), Appendix F-1 (Schedule of Yards and Setbacks), Appendix F-2 (Schedule of Heights, Areas, and Densities) and Appendix F-4 (Schedule of Uses) of the Zoning Regulations; and to Establish Sections 146-102 (SF12 District), 146-103 (SF10 District), 146-104 (SF8 District), 146-105 (SF7.2 District), 146-106 (SF5 District), 146-107 (DR District), 146-108 (TH District), 146-109 (SO District), 146-110 (RO District), 146-111 (C1 District), 146-112 (C2 District), 146-113 (C3 District), 146-114 (LI District) and 146-115 (HI District) of the Zoning Regulations. He stated that Staff recommends approval of the proposed amendments to multiple sections of Chapter 146 (Zoning Regulations) of the Code of Ordinances.

Vice-Chairman Bush asked if an applicant who wanted to request a slight modification to the zoning on their property would need to rezone the property to the new zoning classification. Mr. Quint stated that property owners would be allowed to modify the entitlements to their properties.

Commission Member Hilton asked if a new owner would be allowed to make slight modifications to the zoning on their property as well. Mr. Quint said yes.

Chairman Franklin praised Staff for their work on these proposed modifications.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Hilton, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing and recommend approval of the proposed amendments to multiple sections of Chapter 146 (Zoning Regulations) of the Code of Ordinances as listed in the staff report, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 4, 2014.

Chairman Franklin declared the meeting adjourned at 7:21 p.m.

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RICK FRANKLIN  
Chairman