

## **PLANNING AND ZONING COMMISSION**

**FEBRUARY 24, 2015**

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 24, 2015 at 6:00 p.m.

City Council Present: Mayor Pro-Tem Travis Ussery

Commission Members Present: Chairman Rick Franklin, Vice-Chairman Matt Hilton, Jim Gilmore, Deanna Kuykendall, Dick Stevens, Eric Zepp, and Cam McCall - Alternate

Commission Member Absent: Mark McReynolds

Staff Present: Director of Planning Michael Quint, Planning Manager Brandon Opiela, Planner II Samantha Pickett, Planners Eleana Galicia and Aaron Bloxham, and Administrative Assistant Terri Ramey

There were approximately 20 guests present.

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

Chairperson 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. Chairperson 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 stated that guests would need to limit their remarks to three minutes and speak only once. Chairperson 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 Stevens, seconded by Alternate Commission Member McCall, to approve the following Consent item with a vote of 7-0-0.

**15-206 Minutes of the Planning and Zoning Commission  
Regular Meeting of February 10, 2015**

**END OF CONSENT**

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

**14-271Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Properties from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southwest Corner of Park Hill Lane and Harmony Lane (800 Harmony Lane) and on the Southwest Corner of Dorman Lane and Hermitage Lane (900 Hermitage Lane)**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone the subject properties generally to reduce the side yard at corner setbacks for the two lots within the Chapel Hill subdivision. Ms. Pickett stated that this request was difficult for Staff to support given that both of the subject properties are not unbuildable lots and that there were other avenues available to the applicant to pursue in order to modify the lots. She stated that Staff has further concerns that by allowing these lots to be rezoned, it would disrupt the continuity and consistency of the homes within the subdivision with some set closer to the street than others. Mr. Pickett stated that it might also create a precedent of rezoning individual lots, which could have negative effects on neighboring lots and lead to additional similar rezoning requests. She stated that Staff recommends denial of the rezoning request.

Mr. Scott Roberts, Creative Architects, 1026 Creekwood, Garland, TX, explained the proposed rezoning request and the issues with these two lots. He distributed a layout of the sites to the Commission. Mr. Roberts stated that the lots were not working as intended. He stated that they initially asked for variances on six lots within the subdivision; however, they were told that they must go before the Planning and Zoning Commission. Mr. Roberts stated that they decided to move forward with making changes to only two of the six lots at that point. He stated that without variances, smaller homes would have to be built on these lots and would have a lower home value.

Chairman Franklin asked how long they knew there were issues with the two lots. Mr. Roberts explained that the current owners purchased the lots and plans from an

existing builder. He stated that he was then called in later to look at the plans and noticed the issues with the lots. Mr. Roberts stated that they initially came in for variances in November 2014. He stated that they then submitted an application to the Planning Department in December 2014 for this request. Chairman Franklin asked if they had already purchased the lots at this time. Mr. Roberts said yes.

Chairperson Franklin opened the public hearing and called for comments.

Mr. Robert "Bob" Sampsell, 720 Chapel Hill Lane, McKinney, TX, expressed his concerns about rezoning the two lots. He stated that he had lived in the Chapel Hill subdivision for five years. Mr. Sampsell stated that the notion that these two lots were undersized was misleading. He stated that the lots had been platted since 2004. Mr. Sampsell stated that 800 Harmony was a 40' lot. He stated that some of the lots in the subdivision were 40' lots that could fit 30' homes and other were 52' lots for 40' homes. Mr. Sampsell stated that it was his belief that the applicant was planning to build street facing homes on these lots instead of homes facing the park like the rest of the homes. He felt the current owners of the lots had plenty of time to review everything prior to purchasing the lots. Mr. Sampsell stated that it was a late attempt to maximize profit. He was disappointed that he did not have more time to speak against this request.

Mr. Joseph Glahn, 716 Chapel Hill, McKinney, TX, turned in a speaker's card in opposition to the request; however, he did not speak against the request during the meeting.

With no other comments, on a motion by Vice-Chairman Hilton, seconded by Alternate Commission Member McCall, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Alternate Commission Member McCall expressed concerns about possible visibility and/or traffic issues regarding the corner lot at Hermitage and Dorman. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that site visibility could be an issue at this corner. He stated that would be something the Engineering Department would be reviewing and not something that needed to be considered at this meeting.

Chairman Franklin expressed concerns about rezoning individual lots. He felt that this request should have gone before the Board of Adjustments for a variance.

Chairman Franklin also felt this could set a precedent where the Planning and Zoning Commission would see other rezoning requests for individual lots. Commission Member Gilmore was in agreement with Chairman Franklin's comments.

On a motion by Commission Member Stevens, seconded by Commission Member Gilmore, the Commission voted unanimously to recommend denial of the proposed rezoning request per Staff's recommendations, with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 17, 2015.

**15-007SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Retail Development and a Restaurant with Drive-Through Window (Dorado Crossing), Located Approximately 250 Feet East of Stonebridge Drive and on the North Side of Eldorado Parkway**

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed site plan. She stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report.

Mr. Mike Allen, Allen-Correll Engineering, 101 Trails End, Highland Village, TX, concurred with the Staff report and offered to answer questions. There were none.

Chairperson Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Zepp, the Commission voted unanimously to close the public hearing and approved the site plan per Staff's recommendations, with a vote of 7-0-0.

**14-303PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 1 and 2, Block A, Lot 1 - 4, Block B, and Lot 1, Block C, of the Whole Life at Craig Ranch Addition, Located on the Northwest Corner of Meyer Way and Collin McKinney Parkway**

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed preliminary-final replat. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report.

Mr. Don Paschal, 904 Parkwood Court, McKinney, TX, explained the proposed preliminary-final replat and offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Hilton, seconded by Alternate Commission Member McCall, the Commission voted unanimously to close the public hearing and

approve the proposed preliminary-final replat as conditioned in the Staff report, with a vote of 7-0-0.

Chairman Franklin stated that the Planning and Zoning Commission was the final approval authority for the proposed preliminary-final replat.

**15-025ME    Conduct a Public Hearing to Consider/Discuss/Act on a Meritorious Exception for Holiday Inn Express, Located Approximately 1,865 Feet East of Alma Road and on the South Side of Henneman Way**

Ms. Eleana Galicia, Planner for the City of McKinney, stated that there was a typographical error in the case number listed on the agenda and in the packet for this item. The correct case number was 15-025ME and was noticed accordingly. She distributed a revised Staff report that revised the approval process listed. Ms. Galicia explained the proposed meritorious exception and Staff's concerns. She stated that Staff recommends denial of the proposed meritorious exception due to the lack of masonry exterior finishing materials used in the construction of the building. Ms. Galicia stated that the applicant submitted architectural renderings for informational purposes only.

Mr. Randy Hullett; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the proposed meritorious exception. He stated that the applicant would like to use stucco and some cultured stone around the exterior of the proposed Holiday Inn Express. Mr. Hullett stated that the franchise usually dictates the materials to be used on the building. He stated that the franchise initially wanted to use EIFS (Exterior Insulation and Finish System) on the exterior; however, the owner persuaded them to approve stucco instead. Mr. Hullett stated that the franchise wanted a more contemporary look at this location to enhance the ability of this location to attract hotel guests, which he felt would benefit the City and the residents. He stated that it would be the first prototype of this design. Mr. Hullett stated that they were trying to distinguish themselves from competing hotels. He did not feel that the use of the proposed exterior materials would have an adverse or negative impact on the surrounding property uses or property values. Mr. Hullett felt that the proposed structure would complement the surrounding properties and uses and would make a positive contribution to the existing structures that are already in place. He stated that

stucco had been approved as a primary exterior material in other cases. Mr. Hullett felt that accepting alternate exterior materials, in the place of brick and stone, embraced adversity. He stated that at the time they filed this application, they were unaware that the City was considering updating the Architectural and Site Standards in the Zoning Ordinance. Mr. Hullett stated that they were trying to comply with the current requirements. He requested that the Commission approve the proposed meritorious exception as presented.

Commission Member Gilmore asked for the percentage of masonry materials being proposed on the exterior of the building. Mr. Hullett stated that it was about 11% on the front and back elevations and about 27% on the side elevations of the building. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that the percentages were calculated by elevation and not by the exterior walls. He stated that not all walls had masonry materials. Mr. Opiela stated that the proposed Architectural and Site Standards ordinance requires at least 25% masonry per elevation for four-story buildings; however, it also had some other requirements that must be met that are not in the current ordinance. He stated that this request would not meet the proposed Architectural and Site Standards ordinance.

Commission Member Stevens stated that Craig Ranch was a legacy to future McKinney residents. He briefly discussed an apartment complex that was approved with a stucco exterior. Commission Member Stevens stated that he would prefer to see this project have a higher percentage of masonry materials used on the exterior of the building, especially since it would be located in Craig Ranch. Mr. Hullett stated that they would have to go back to the franchise to see if they would approve a change in the exterior materials being used on the project.

Commission Member Stevens asked Mr. Hullett if he would consider tabling the request to allow them time to discuss increasing the amount of masonry materials being used on the exterior of the building with the franchise. Mr. Hullett stated that he would prefer to table the request versus it being recommended for denial. He felt it would not take much to increase the amount of masonry on the ends of the proposed building to increase the percentage to 25% masonry per elevation to meet the new ordinance regulations. Mr. Michael Quint, Director of Planning for the City of McKinney, stated

that the new ordinance would have additional requirements that would also need to be met that the current ordinance does not require. He did not feel that the proposed request would meet all of the new ordinance requirements.

Chairman Franklin asked if this request was tabled to the next Planning and Zoning Commission meeting if it would still need to follow the current ordinance requirements or if it would then need to follow the proposed Architectural and Site Standards ordinance. Mr. Quint stated that the request could be tabled to the next Planning and Zoning Commission meeting and would still be under the current ordinance. He stated that the proposed Architectural and Site Standards ordinance should be going to City Council for consideration on March 17, 2015. He stated that if they approve it, then the new ordinance would go into effect the following Monday.

Mr. Hullett asked for clarification on the percentage of masonry that the Commission Members preferred to see on this project. Chairman Franklin and Commission Member Gilmore stated that they preferred to see at least 25 % masonry used on each exterior of the building. Commission Member Kuykendall asked if there would be any other requirements that must be met. Mr. Quint stated that if the Commission wanted to see the project have 25% masonry per elevation, then it would not meet the current ordinance. He briefly explained that the current ordinance required 50% masonry per wall and the use of varying masonry to achieve the required 85 points. Mr. Quint stated that the new ordinance had other requirements not currently required, so the 25% masonry per elevation would not meet that ordinance either. Commission Member Stevens felt that a franchise would allow upgrades to a project. He stated that he would like to see the request tabled and the applicant come back with at least 50% masonry per elevation and other improvements to the project.

Commission Member Stevens asked if this project would be allowed under Craig Ranch's architectural standards. Mr. Hullett stated that he spoke with Mr. David Craig this afternoon and that Mr. Craig preferred stone on the exterior. He stated that Mr. Craig approved the proposed building as presented.

Commission Member Zepp stated that he preferred to see at least 50% masonry per elevation and suggested that the request be tabled to allow the applicant to discuss the situation with the franchise.

Alternate Commission Member McCall asked to clarify that if the request was tabled which ordinance version would need to be followed. Mr. Quint stated that it depended on which meeting the request came back before the Commission. He stated that if the request came back before the new ordinance became in effect, then it would still be under the current ordinance. Mr. Quint stated that if the request came back before the Commission after the new ordinance went into effect, then it would be under the new ordinance.

Chairman Franklin asked Mr. Hullett if he was okay with tabling the request. Mr. Hullett said yes.

Mr. Opiela asked to clarify that Commission Member Stevens preferred 50% masonry used per wall or elevation. Commission Member Stevens stated that he preferred 50% masonry per elevation.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Zepp, seconded by Alternate Commission Member McCall, the Commission voted unanimously to continue the public hearing and table the proposed meritorious exception to the next Planning and Zoning Commission meeting scheduled for March 10, 2015, with a vote of 7-0-0.

**15-018M      Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Section 146-101 ("CC" - Corridor Commercial Overlay District) and Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances)**

Mr. Michael Quint, Director of Planning for the City of McKinney, discussed the proposed amendments to Section 146-101 ("CC" – Corridor Commercial Overlay District) and Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances). He showed a PowerPoint presentation that illustrated the major changes to the ordinances and showed some visual examples of buildings that could and could not be built under the proposed ordinances. Mr. Quint stated that Staff recommends approval of the proposed amendments to the Zoning Ordinance.

Commission Member Stevens expressed his opinion about the Linkside Office Building's garage on the first floor located on Virginia Parkway. He thought it might



have been a better design if it had been enclosed or had appropriate screening to block the view into the garage. Mr. Quint stated that when garages were enclosed that it could cause code issues and gave the examples of air quality and fire suppression issues. He stated that screening of parking garages was not addressed in the proposed amendments to the Zoning Ordinance.

Commission Member Gilmore asked if the proposed amendments to the Zoning Ordinance would add additional costs to new projects. Mr. Quint stated that it would be giving Architects more flexibility and variety in their designs and could even reduce costs.

Commission Member Stevens stated that he was not as concerned about the costs of the buildings as much as how the buildings will look in the future.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Vice-Chairman Hilton, the Commission voted unanimously to close the public hearing and recommend approval of the proposed amendments to Section 146-101 ("CC" – Corridor Commercial Overlay District) and Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances), with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 17, 2015.

**15-036M      Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Section 146-45 (Site Plan Approval) of the Code of Ordinances Pertaining to Appeals to the City Council**

Mr. Michael Quint, Director of Planning for the City of McKinney, discussed the proposed amendments to Section 146-45 (Site Plan Approval) of the Code of Ordinances pertaining to appeals to City Council. He stated that the proposed amendments will help clarify that the applicant and Staff have the ability to appeal the decision of the Planning and Zoning Commission to the City Council for a final decision. Mr. Quint stated that the proposed amendments set a clear appeal process and timeframe. He stated that Staff recommends approval of the proposed amendments to the Code of Ordinances.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Hilton, seconded by Commission Member Kuykendall, the Commission voted unanimously to close the public hearing and recommend approval of the proposed amendments to Section 146-45 (Site Plan Approval) of the Code of Ordinances pertaining to appeals to City Council, with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 17, 2015.

**END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS**

Mr. Michael Quint, Director of Planning for the City of McKinney, mentioned that the City Council would like to hold a joint meeting with the Planning and Zoning Commission in the near future.

Chairman Franklin declared the meeting adjourned at 6:59 p.m.

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RICK FRANKLIN  
Chairman