

## **PLANNING AND ZONING COMMISSION**

**MAY 26, 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, May 26, 2015 at 6:00 p.m.

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

Commission Member Absent: Cameron McCall - Alternate

Staff Present: Director of Planning Michael Quint; Planning Managers Brandon Opiela, Jennifer Arnold, and Matt Robinson; Planner II Samantha Pickett, Planners Eleana Galicia, Aaron Bloxham, and Jason Aprill; and Administrative Assistant Terri Ramey

There were approximately twenty-four 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 Item.

The Commission unanimously approved the motion by Vice-Chairman Hilton, seconded by Commission Member Gilmore, to approve the following four Consent items with a vote of 7-0-0.

**15-115CVP Consider/Discuss/Act on a Conveyance Plat for Lots 1 and 2, Block A, of the Alma Plaza Addition, Located on the Northeast Corner of Alma Road and State Highway 121 (Sam Rayburn Tollway)**

**15-109CVP Consider/Discuss/Act on a Request for a Conveyance Plat for Lot 1, Block A, of Silverado-Alma Daycare, Located Approximately 650 Feet North of Silverado Trail and on the East Side of Alma Road**

**15-116PF Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1, Block A, of the RightNow Media Addition, Located Approximately 1,200 Feet West of Stacy Road and on the North Side of Henneman Way**

**END OF CONSENT**

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

**15-052SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Restaurant with Drive-Through Window (Chicken Express), Located on the Southeast Corner of State Highway 5 (McDonald Street) and Anthony Street (REQUEST TO BE TABLED)**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely. Mr. Robinson stated that Staff would re-notice prior to the next public hearing.

Chairman 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 table the proposed site plan request indefinitely, with a vote of 7-0-0.

Chairman Franklin stepped down on the following item # 15-060Z3 due to a possible conflict of interest.

Vice-Chairman Hilton continued the meeting.

**15-060Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Generally Located at the Northern Terminus of Tremont Boulevard and Along the Northern Side of Darrow Drive**

Mr. Aaron Bloxham, Planner for the City of McKinney, explained the proposed rezoning request and gave a brief history of the property. He stated that Staff distributed

a letter of opposition to the Planning and Zoning Commission prior to the meeting. Mr. Bloxham stated that Staff recommends approval of the proposed rezoning request.

Mr. Ben Crenshaw, 116 Jasper Ave., Franklin, TN, explained the proposed rezoning request. He stated that they were requesting a minor modification to the previous pattern book that governed Phase IV of Tucker Hill. Mr. Crenshaw stated that they were working with Federal Emergency Management Agency (FEMA) regarding the floodplain remediation and that these plans had been approved by the City of McKinney. He offered to answer questions.

Commission Member Zepp asked where Phase III in the Tucker Hill development was located. Mr. Crenshaw stated that it was on the lower left side of the Proposed Illustrative Land Use Plan that was included in the Staff report. He also pointed it out on the overhead display.

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

Mr. John Cisar, 7309 Darrow Dr., McKinney, TX, spoke in opposition to the request. He stated that he lived across the street from the Phase IV development. Mr. Cisar stated that Tucker Hill was a unique development within McKinney and he hoped it stayed that way. He expressed concerns regarding the proposed smaller lot sizes and smaller square footage of the houses. Mr. Cisar expressed concerns regarding the floodplain remediation and how it might affect his property. He stated that a professional looked at the floodplain plans with him and that they had concerns about the proposed plan. Mr. Cisar stated that the City of McKinney and Darling Homes had addressed some previous drainage issues, which Southern Land Company had refused to address. He stated that they paid \$15,000 extra for their lot to be by the greenbelt area. Mr. Cisar expressed concerns regarding the greenbelt area in the development shrinking in size and not being detailed in the pattern book. He stated that he would like to see the greenbelt be 100 yards across. Mr. Cisar questioned why the community center and other amenities had not been developed yet. He stated that he would like to see an increase in T3 and T4 size lots in this development. The letter of opposition that was distributed prior to the meeting was from Mr. Cisar.

On a motion by Commission Member Stevens, seconded by Commission Member Zepp, the Commission voted to close the public hearing, with a vote of 6-0-1. Chairman Franklin abstained.

Commission Member Stevens asked if the original plans showed more parkland dedication. Mr. Brandon Opiela, Planning Manager for the City of McKinney, felt that the general regulating plan showed the open space area to be very similar to what had been previously approved. He stated that there was some reshaping of the outside open space that the City of McKinney Parks Department had approved. Mr. Opiela stated that there was a facilities agreement in place for this open space area and it met the current development agreement. Mr. Crenshaw stated that the proposed open space was very consistent with the previous plans that had been approved. He stated that the width of the open space had not changed.

Commission Member Stevens asked if this was the last phase of Tucker Hill to be developed. Mr. Crenshaw stated that there was approximately 25 to 30 acres that could be developed by the Prosper Independent School District for a new school or this property could be developed for future residential properties in Tucker Hill. Commission Member Stevens asked if Southern Land Company owned this property. Mr. Crenshaw said yes.

On a motion by Commission Member McReynolds, seconded by Commission Member Gilmore, the Commission voted to recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 5-1-1. Commission Member Zepp voted against the motion. Chairman Franklin abstained.

Vice-Chairman Hilton stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 16, 2015.

Chairman Franklin returned to the meeting.

**15-111Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "BN" - Neighborhood Business District to "C2" - Local Commercial District, Located on the Southeast Corner of Custer Road and Eldorado Parkway**

Mr. Aaron Bloxham, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request.

The applicant was not present to make any comments.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, 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 June 16, 2015.

**15-100SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for Additional Fuel Pumps, Located on the Southwest Corner of Alma Road and Stacy Road**

Mr. Aaron Bloxham, Planner for the City of McKinney, explained the specific use permit request. He stated that Staff recommends approval of the proposed specific use permit with the special ordinance provisions listed in the staff report.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX, explained the specific use permit request. He concurred with the Staff report and requested approval of the request.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Vice-Chairman Hilton, the Commission voted unanimously to close the public hearing and recommend approval of the specific use permit with the special ordinance provisions listed in the staff report, 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 June 16, 2015.

**15-112Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "SO" - Suburban Office District, Located on the East Side of Lakota Trail and at the Terminus of Synergy Drive**

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request.

Mr. Bill Perman, Cross Engineering Consultants, 131 S. Tennessee St., McKinney, TX, concurred with the Staff report 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 Commission Member Stevens, seconded by Commission Member Zepp, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, 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 June 16, 2015.

**15-098PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 8R1, 9, 10, and 11, Block B, of the Custer Crossing Addition, Located on the East Side of Lakota Trail and at the Terminus of Synergy Drive**

Ms. Eleana Galicia, Planner 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. Bill Perman, Cross Engineering Consultants, 131 S. Tennessee St., McKinney, TX, concurred with the Staff report 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 Commission Member Kuykendall, 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.

**15-106PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 4R, 5 and 6, Block A, of the TPC at Craig Ranch Addition, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and TPC Drive**

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. Jonathan Hake, Cross Engineering Consultants, 131 S. Tennessee St., McKinney, TX, concurred with the Staff report 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 Commission Member Zepp, seconded by Commission Member McReynolds, 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.

**14-319SP    Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan and Facade Plan for a Theater (Moviehouse and Eatery), Located on Approximately 2,700 Feet East of Custer Road and on the North Side of State Highway 121 (Sam Rayburn Tollway)**

Mr. Samantha Pickett, Planner II for the City of McKinney, explained the proposed site plan and facade plan. She stated that Staff recommended approval of the proposed site plan as conditioned in the Staff report. Ms. Pickett stated that Staff was not in support of the applicant's request for a variance to waive the rooftop screening for mechanical equipment. She also stated that Staff was not in support of the facade plan appeal request.

Vice-Chairman Hilton asked to clarify that Ms. Pickett stated that the remaining three walls would have 40% or less of primary materials. Ms. Pickett said yes.

Chairman Franklin asked if the applicant was required to place the cornice all the way around the building. Ms. Pickett said yes.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX, stated that he concurred with the recommendation of approval for the proposed site plan request. He briefly discussed the variance to waive the rooftop screening for mechanical equipment. Mr. Roeder stated that they were proposing a very large building with a large roof area that will have roof mounted equipment. He stated that the site studies they had completed said that the roof mounted equipment could not be seen from the frontage road along State Highway 121 (Sam Rayburn Tollway). Mr. Roeder felt that the roof mounted equipment could only been seen if you were on the State Highway 121 (Sam Rayburn Tollway) overpass or 1,600 feet north of the building in the residential area. He stated that City Staff measures the standard as if they were eye level at the parapet and took a straight horizontal line. Mr. Roeder questioned what

Staff's recommendation would be for a ten-story building. He felt that the site studies provided to Staff showed that the rooftop equipment would be adequately screened by the existing parapet wall. Mr. Roeder stated that it was not a cost issue. He briefly discussed the facade plan appeal. Mr. Roeder stated that the proposed elevations included in the Staff report show 38% stone on the south side of the proposed building. He felt that they were proposing a unique facade to the building that would be surrounded by other commercial developments. Mr. Roeder stated that a stone exterior was required in Craig Ranch. He stated that they looked at having 50% stone on the exterior of the building; however, they felt it would look architecturally out of scale with everything else that would be located around it. Mr. Roeder stated that it would be a tilt wall concrete building with a stucco finish. He stated that they wanted to make the building as unobtrusive as possible and that was why they proposed to use these colors and stucco material above the stone material. He felt that the proposed facade was appropriate given the scale and location of the building. Mr. Roeder stated that the facade appeal process had been built into the City's ordinance, which gave the authorization to the Planning and Zoning Commission to say that the exterior of the building could have less than 50% masonry materials. He stated that during the earlier Planning and Zoning Commission Work Session he heard that there was not a standard for the cornice that could be applied to the building. Mr. Roeder stated that the top of the proposed building would be between 36 and 42 feet tall. He stated that they could meet the cornice requirement; however, he questioned if it made sense to add a cornice to the building. Mr. Roeder stated that their goal was not to make an architectural statement with a huge cornice with a large shadow. He stated that their goal was to make the building disappear, so that it did not detract from the surrounding developments. Mr. Roeder stated that they plan to set the top of the building off with a paint line using similar paint colors. He felt the building would be a unique, large movie theater situated on the highway. Mr. Roeder asked for a favorable recommendation and offered to answer questions.

Commission Member McReynolds asked how many theaters would be located at this movie theater. Mr. Rodney Speaks, 9506 Woody Ridge, Austin, TX, stated that he was one of the owners of the Moviehouse and Eatery. He stated that there would be ten theaters in the building.



Commission Member McReynolds asked what material was being proposed for the caps on the vertical elements shown for the front of the building. Mr. Speaks stated that it was a cut stone.

Vice-Chairman Hilton for the percentage of primary materials proposed to be used on the north, east, and west elevations. Mr. Roeder stated that the east and west (side) elevations would have 40% and the north (rear) elevation would have 35%.

Commission Member Zepp asked for the size of the building. Mr. Speaks said it would be 46,000 square feet.

Commission Member Zepp stated that there was a Lowe's nearby that had a cornice on the top of the building. Mr. Roeder stated that the Lowe's was located in a retail center. He felt that was in a different environment.

Chairman Franklin opened the public hearing and called for comments. Mr. Demian Salmon, 6850 TPC Drive, McKinney, TX, turned in a Speaker's Card in support of the request; however, did not wish to speak during the meeting.

On a motion by Vice-Chairman Hilton, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Commission Member McReynolds was not as concerned with the amount of stone materials on the stand-alone movie theater. He felt it would be easy for the applicant to install horizontal cornice around the top of the building, except on the sloping walls. Commission Member McReynolds felt the proposed building looked good.

Vice-Chairman Hilton felt he proposed facade was fine. He felt that there should be some type of cornice along the top of the building, with the exception to the sloping sections. Vice-Chairman Hilton had concerns regarding the rooftop mechanical equipment not being properly screened on the north side of the building. He was not as concerned about the south side of the building having rooftop screening for the mechanical equipment. Commission Member McReynolds was in agreement with him.

Commission Member Zepp discussed the large Lowe's building, located nearby, that had more masonry and a cornice along the top. He felt that the south elevation of the proposed building looked great. Commission Member Zepp compared the other three sides of the proposed building to looking like a warehouse. He expressed concerns that

the north and east elevations of the proposed building would be exposed to the surrounding residential neighborhood, and would not have enough rooftop screening. Commission Member Zepp felt the whole rooftop needed to be properly screened so that the mechanical equipment would not be visible.

Chairman Franklin liked the facade of the proposed building. He felt that the mechanical equipment on the rooftop needed to be properly screened on the north and south elevations. Chairman Franklin stated that he did not have a strong opinion on the cornice. He stated that having a cornice might make the building look unusual and that he was having a hard time visualizing it.

Commission Member Zepp asked about the office building in Craig Ranch that was located to the east of this location. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that those office buildings were built under different standards, when a cornice was not a required design element.

Vice-Chairman Hilton asked Chairman Franklin why he recommended screening the rooftop mechanical equipment on the south elevation. Chairman Franklin stated that it would screen it from State Highway 121 (Sam Rayburn Tollway) and to anybody coming into the building. Commission Member Gilmore asked for clarification about the screening that Chairman Franklin was recommending. Chairman Franklin recommended screening the rooftop mechanical equipment per the City's ordinance.

Vice-Chairman Hilton asked Staff why they did not recommend screening the rooftop mechanical equipment on the east and west elevations. Mr. Quint explained that the City's ordinance requires that it be screened towards residential properties and public rights-of-way.

On a motion by Vice-Chairman Hilton, seconded by Commission Member McReynolds, the Commission voted to approve the site plan request and approve the proposed masonry materials as requested by the applicant, as well as require the applicant to provide a cornice treatment per the City's ordinance, except on the sloping rooflines, and provide rooftop screening for mechanical equipment per the City's ordinance, with a vote of 6-1-0. Commission Member Stevens voted against the motion.

Commission Member Stevens left the meeting.

**15-107PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 1R1 and 1R2, Block A, of The Highlands Addition, Located Approximately 300 Feet North of Eldorado Parkway and on the East Side of Orchid Drive**

Mr. Aaron Bloxham, Planner for the City of McKinney, explained the proposed preliminary-final replat. He stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report.

Mr. Arlyn Samuelson; Pogue Engineering & Development, Company, Inc.; 1512 Bray Central Dr.; McKinney, TX; concurred with the Staff report 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 Commission Member Kuykendall, seconded by Vice-Chairman Hilton, the Commission voted to close the public hearing and approve the proposed preliminary-final replat as conditioned in the Staff report, with a vote of 6-0-1. Commission Member Stevens abstained.

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

Commission Member Stevens returned to the meeting.

**15-101PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 7R and 31, Block A, of the Black and Smith Addition, Located at 1010 Inwood Drive**

Mr. Aaron Bloxham, Planner for the City of McKinney, explained the proposed preliminary-final replat. He stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report.

Ms. Angie Swanner, 3003 Normandy Dr., McKinney, TX, concurred with the Staff report 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 Commission Member Gilmore, seconded by Commission Member Kuykendall, 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.

**15-142M      Conduct a Public Hearing to Consider/Discuss/Act on  
the Semiannual Report with Respect to the Progress of  
the Capital Improvements Plan for Roadway and Utility  
Impact Fees**

Mr. Jason Aprill, Planner for the City of McKinney, explained the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees as required by Chapter 395 of the Texas Local Government Code. He stated that Staff recommends filing of the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees.

Chairperson Franklin opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Vice-Chairman Hilton, seconded by Commission Member McReynolds, to close the public hearing and recommend filing of the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees, 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 of June 16, 2015.

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

Commission Member Gilmore thanked Staff for their hard work on tonight's meeting items, which he felt were well organized and allowed the meeting to run smoothly. Commission Member McReynolds concurred.

Chairman Franklin declared the meeting adjourned at 7:03 p.m.

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RICK FRANKLIN  
Chairman