

## **PLANNING AND ZONING COMMISSION**

**FEBRUARY 12, 2013**

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 12, 2013 @ 6:30 p.m.

City Council Member Present: Mayor Pro Tem Travis Ussery

Commission Members Present: Chairman Robert S. Clark, Vice-Chairman Rick Franklin, George Bush, Jim Gilmore, Matt Hilton, David Kochalka, and Larry Thompson

Commission Members Absent: none

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Manager Brandon Opiela, Planner II Alex Glushko, Planner Samantha Gleinser, and Administrative Assistant Terri Ramey

There were approximately twenty-five guests present.

Chairman Clark called the meeting to order at 6:30 p.m. after determining a quorum was present.

Chairman 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 only heard by the Planning and Zoning Commission and others could be forwarded on to City Council. Chairman Clark 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 three minutes and speak only once. Chairman 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.

The Commission unanimously approved the motion by Vice-Chairman Franklin, seconded by Commission Member Kochalka, to approve the following three Consent Items:

**13-008PF Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Cosmetic & Family Dentistry, for Approval of a Preliminary-Final Plat for Lots 1 and 2, Block A, of the Virginia Village Addition, Being Fewer than 2 Acres, Located on the Southwest Corner of Virginia Parkway and Village Drive**

**13-013CVP Consider/Discuss/Act on the Request by Corwin Engineering, Inc., on Behalf of Custer West Partners, for Approval of a Conveyance Plat for The Heights at Westridge Planning Area 12, Parcel 1209, Lots 1-3, Block A, Being Fewer than 12 Acres, Located on the Southwest Corner of Westridge Boulevard and Independence Parkway**

**END OF CONSENT**

Chairman Clark continued the meeting with the Regular Items on the agenda.

**13-014Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of Heritage Christian Church, for Approval of a Request to Rezone Less than 1 Acre, from "AG" - Agricultural District to "BN" - Neighborhood Business District, Located on the Northwest Corner of Greenville Road and Airport Boulevard (REQUEST TO BE TABLED)**

Ms. Samantha Gleinser, Planner for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely due to a noticing error. Staff will re-notice for an upcoming public hearing.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Kochalka, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing and table the proposed rezoning request indefinitely as recommended by Staff.

**12-191Z3 Conduct a Public Hearing to Consider/Discuss/Act on the Request by J Rose Architecture, on Behalf of Bungalow Builders, for Approval of a Request to Rezone Less than 1 Acre from "RS 60" - Single Family Residence District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Allow for a Two Family Dwelling (Duplex), Located on the Northwest Corner of Barnes Street and Griffin Street**

Mr. Alex Glushko, Planner II for the City of McKinney, explained the proposed rezoning request and gave a brief history of the request. He stated that Staff recommends denial of the proposed rezoning request due to the incompatibility of the proposed zoning and use with the existing surrounding zoning and uses, and due to nonconformance to the City of McKinney's Comprehensive Plan.

Commission Member Bush asked if the City's definition of a duplex required a common wall between the two living units. Mr. Glushko stated that the proposed common wall would be shared by a common wall of the two garage units. He stated that the applicant also proposed to build similar types of duplexes on Tennessee Street.

Commission Member Thompson asked what the owner could build on this property if this request was not approved. Mr. Glushko stated that a single family detached residence could be built on the property. Commission Member Thompson asked if the direction of the single family residence on the lot would be inhibited. Mr. Glushko did not feel the orientation of a single family residence on the lot would be inhibited.

Commission Member Kochalka asked if there were other duplexes in the area. Mr. Glushko stated that there were none in the vicinity. He stated that there was a tract of land a few blocks south zoned for duplex use; however, it currently has a single family residence on it.

Mr. Jason Rose, J Rose Architecture, 2120 Cosmos Way, Argyle, TX, explained the proposed rezoning request and gave a brief history on the request.

Chairman Clark asked for the square footage of each unit. Mr. Rose stated that each unit would have approximately 2,400 sq. ft. of living area, not including the garage space.

Commission Member Gilmore asked about the listing price for each unit. Mr. Rose stated that they would be priced around \$300,000 per unit.

Commission Member Kochalka asked how the ownership would work with two units on one lot. Mr. Rose stated that the title company would handle it with a party wall agreement and that an attorney would need to address certain aspects of a situation involving two party ownership on one lot.

Chairman Clark opened the public hearing and called for comments.

The following four citizens spoke in opposition of the proposed rezoning request. These citizens had concerns about having two houses on one lot, the possibility that the lot might be subdivided at a later time with these two structures on it, increased traffic, set-backs, and setting precedence for future duplexes in McKinney's Historic District. They did not consider the proposed structures a duplex by the definitions that they

found on-line and preferred larger lots in their neighborhood. Most stated that they liked the proposed architectural design.

- Ms. Wendy Long, 608 Parker Street, McKinney, TX
- Mr. A. M. Scott, 1201 Howell Street, McKinney, TX
- Mr. Richard Moreno, 606 Barnes St., McKinney, TX
- Mr. David Pope, 700 Barnes Street, McKinney, TX

The Commission unanimously approved the motion by Commission Member Kochalka, seconded by Commission Member Thompson, to close the public hearing.

Commission Member Gilmore questioned what the difference would be if it was two smaller houses versus one large house on the lot. Commission Member Thompson questioned if a 4,800 sq. ft. house on the lot priced around \$600,000 in this neighborhood would be feasible in the current financial market. Mr. Ron Lustig, Bungalow Builders, 733 Creek Valley, Allen, TX, stated that two smaller houses are currently more marketable; however, they could possibly sell a larger single family residence on the lot in the near future. He stated that the lot was clipped by the City in the 1950's when the City reconstructed the surrounding streets; otherwise, the lot would have been wide enough to subdivide into two lots. Mr. Lustig stated they are currently just a few feet short of being able to subdivide the lot by right.

Commission Member Gilmore asked if the applicant would be required to develop the property as presented if this request were to be approved by City Council. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that if City Council approved the zoning request, as requested by the applicant, then the builder would be required to build according to the submitted plan and the general character of the proposed elevations.

Chairman Clark had concerns about setting a precedent with having duplex zoning in the middle of single family residences, if this request were to be approved. He commented that the building elevations were beautiful.

Commission Member Thompson questioned if the proposed plan was actually a duplex.

Commission Member Kochalka expressed his concerns over the proposed development plan for this property. He did not feel this request fit the intent of the

neighborhood. Commission Member Kochalka preferred keeping the large, corner lot and not subdividing it.

On a motion by Commission Member Kochalka, seconded by Vice-Chairman Franklin, the Commission voted unanimously to recommend denial of the rezoning request as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 5, 2013.

**12-187Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez and Associates, on Behalf of TCI McKinney Ranch, Inc., for Approval of a Request to Rezone Fewer than 35 Acres from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and U.S. Highway 75 (Central Expressway)**

Mr. Alex Glushko, Planner II 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.

Commission Member Bush had a question about the parking requirements. Mr. Glushko stated that the parking standard changes in question have not been adopted yet. Mr. Quint stated that the proposed parking standards for this development are slightly different to the parking standard changes being proposed at an upcoming Joint City Council and Planning and Zoning Commission meeting.

Mr. Levi Wild, Sanchez & Associates, 220 E. Virginia St., McKinney, TX, concurred with the staff report.

Chairman Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Thompson, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 5, 2013.

**13-015Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of R.D. Offutt Company, for Approval of a Request to Rezone Fewer than 11 Acres from "C" - Planned Center District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Southeast Corner of Wilmeth Road and U.S. Highway 75 (Central Expressway)**

Mr. Alex Glushko, Planner II 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.

Commission Member Thompson did not feel that paved parking would hold up under some of the large tracked equipment that might be used on the property. He mentioned that painting the gravel was not a solution either. Mr. Glushko stated that Staff was not proposing that all of the overnight vehicle storage area be paved on the property. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Staff would need the overnight vehicle storage area marked to verify conformance with the Zoning Ordinance.

Commission Member Thompson asked about the proposed fencing around the property. Mr. Glushko explained that the applicant is requesting that the north side of the property have a masonry wall to help screen the overnight vehicle storage area from Wilmeth Road and that the east, west, and south sides of the overnight vehicle storage area use vinyl coated, chain-link fencing with slats.

Commission Member Bush asked about the proposed gravel in the overnight vehicle storage area. Mr. Glushko stated that the applicant is proposing to have gravel within the overnight vehicle storage area with the exception of a small area of grass in one area to preserve two large trees.

Commission Member Bush had questions about the overnight vehicle storage parking on the property meeting the Code of Ordinances. Mr. Quint stated that the applicant may have the proper number of storage spaces on the property; however, it would be hard to verify conformance without it properly marked. He explained that when there is a repair facility, one overnight vehicle or equipment storage space must be provided per bay. Chairman Clark asked how many bays are proposed to be built.

Mr. Glushko stated that there are sixteen bays proposed. Mr. Quint stated that Staff has enforcement concerns for this overnight parking requirement.

Commission Member Thompson asked if the applicant has the appropriate space on the property for the overnight vehicle storage parking. Mr. Glushko stated that the property should have the space available. Mr. Brandon Opiela, Planning Manager for the City of McKinney, explained that if they filled up this space with items that did not qualify as overnight vehicles then it would be hard to verify that they had the required sixteen spaces available for the actual overnight vehicle storage on the property. He stated that it was an enforcement issue.

Mr. Jon David Cross, Cross Engineering Consultants, 131 S. Tennessee St., McKinney, TX, stated that they agree with the first six special ordinance provisions listed in the staff report; however, disagree with Staff's recommendation to deny special ordinance provisions #7 (reducing the required masonry percentages) and #8 (overnight vehicle storage area would not be paved or striped). He explained that there were two letters in support and one letter of opposition received by Staff; however, the neighbor that submitted the letter of opposition subsequently submitted a letter of support, which cancel each other out. Mr. Cross stated that there are substantial trees that they plan to maintain along the creek on the south side of the property located in the erosion hazard setback. He stated that these trees would be a substantial buffer between them and Eldorado Chevrolet.

Chairman Clark asked about the Texas Department of Transportation (TxDOT) right-of-way near this property. Mr. Quint stated that he believed the applicant was in the process of acquiring the right-of-way and that it could be a lengthy process.

Mr. Scott Neal, R.D. Offutt Limited Partnership, 700 S. 7<sup>th</sup> St., Fargo, ND, explained the proposed rezoning request. He estimated the project would cost between \$5,500,000 and \$6,500,000. Mr. Neal stated that they plan to employ 75 to 85 people. He estimated \$45,000,000 in gross sales per year. Mr. Neal explained that they plan to build a nice facility for this high growth area and that it would probably become their flagship location.

Mr. Jeff Schaumann, R. D. Offutt Company, 700 S. 7<sup>th</sup> St., Fargo, ND, explained the proposed rezoning request. He stated that they currently have 62 buildings around the country and are the largest John Deere retailer in the country. Mr. Schaumann

offered to designate a specific space for overnight vehicle parking only through other means than paving. He discussed the proposed architectural elements for the structure and showed some examples. Mr. Schaumann stated that they planned to build to LEED (Leadership in Energy and Environmental Design) certifiable standards and the structure would be a quality building that the community and owners could be proud of.

Commission Member Kochalka asked which LEED certification that they were seeking. Mr. Schaumann stated that they plan to build to the basic LEED standards and that they might be able to build to a higher LEED standard.

Commission Member Kochalka asked if they would have masonry material below the proposed exterior panel. Mr. Schaumann said no; however, they were willing to add split block material to the bottom section of the building, if necessary. He stated that the proposed materials have held up very well on their other buildings. Mr. Schaumann discussed the proposed building materials.

Commission Member Bush asked if the proposed architectural design is consistent with their company's branding. Mr. Schaumann stated that the front of all their stores have the same element. He stated that this would be their flagship location and that they plan to go above and beyond their normal design for this proposed building.

Commission Member Kochalka stated that there are some interesting architectural elements proposed for the structure. He stated that the proposed exterior panel is affordable and holds a good R-value. Commission Member Kochalka had concerns about the structure not having any exterior masonry elements.

Commission Member Kochalka asked Staff if the proposed zoning were to be approved, then would the exterior materials on the building plan be required to match the proposed building elevations. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that if the proposed zoning were to be approved, then the character of future building construction would be required to match the proposed building elevations. He stated that if the Commission wished to require masonry on the exterior of the building, then they would need to include it in their motion.

Chairman Clark asked Mr. Schaumann if they have an area designated for new retail equipment that they are selling. Mr. Schaumann stated that they planned to have a display area in the front of their property that would be a concrete, hard surface. He



stated that they usually had up to eight equipment examples displayed at their facilities, that the displayed equipment also served to enhance the identity of the facility, and that they did not need to keep a lot of inventory on site since most of their large equipment sales were special orders.

Mr. Schaumann offered to use a masonry product on a portion of the exterior of the building; however, he had concerns that placing masonry on the shop portion of the building might draw attention to it instead of the office area of the building. Mr. Schaumann stated that they had not experienced any issues with equipment running into their panels on their other buildings. He stated that the overhead doors on some of their other buildings had been run into from time to time and that they were simply replaced. Mr. Schaumann stated that they have concrete bollards on the outside and inside of each bay door to help protect the exterior panels.

Chairman Clark asked why they wanted to use the proposed panel instead of a concrete tilt wall. Mr. Schaumann stated that they prefer to use a rigid frame structure on their buildings. He stated that the proposed exterior product has good insulting properties and is economical. Mr. Schaumann stated that they have one building made with tilt wall construction and it was the least successful building style. He stated that the proposed panel was trying to replicate that style.

Chairman Clark was not in favor of lowering the City's standards for this proposed project. He did not feel chain-link fencing or gravel used as paving material would be appropriate. Chairman Clark expressed concerns over the proposed location of this business being at the entrance to the premier business park in McKinney, located on US Highway 75 (Central Expressway), and the nearby overpass that would be looking down onto the site where old equipment waiting to be worked on could be seen.

Chairman Clark asked the applicant if they could build the concrete stronger and deeper to address the parking issues. Mr. Schaumann stated that the surface of the concrete breaking up was the issue, not the depth of the concrete.

Chairman Clark asked the applicant if they had a concrete parking lot for large equipment at any of their other stores. Mr. Schaumann stated that they had one location, in San Antonio, TX that is about six years old, and that they had extended the concrete on one side of the building; however, it had already deteriorated to the point where they are in process of replacing it.

Mr. Schaumann described the proposed screening for the property. He stated that the proposed chain-link fencing would be along a drainage ditch that has a lot of trees and foliage that creates a natural landscaping barrier on that side of the property. Mr. Schaumann felt that they had proposed adequate screening around the property. He also stated that they were proud of the proposed building.

Mr. Cross stated that there would be roughly 300 feet between the proposed vinyl coated, chain-link fencing with slats on the property and Redbud Blvd. He stated that the owner planned to subdivide the property and sell the portion near Redbud Blvd., at which time a building most likely would be constructed that would further block the view of the overnight vehicle storage area.

Vice-Chairman Franklin questioned how long it might be before that other piece of property would be sold and a building constructed there. He felt that the chain linked fence would be visible from Redbud until another building was constructed.

Vice-Chairman Franklin asked if there were any plans to screen the bay doors that are facing Wilmeth Road. Mr. Cross said yes and described the proposed screening.

Commission Member Thompson was in favor of the project. He felt it would be a good quality project, bring a significant amount of revenue to the City, and employ around 75 individuals. Commission Member Thompson felt that similar projects were given variances in the past for some of these same issues.

Chairman Clark wanted a quality product built in McKinney and did not feel they should deviate from the City's standards. He stated that he visited their facility in Irving, TX and did not feel it looked like what was being presented with this proposed zoning request. Chairman Clark wanted to see something professional and that looked good at the entrance into the business park. He did not want to see something like the Irving location in McKinney. Chairman Clark stated that he had looked at their website and believed that they were a first class organization.

Vice-Chairman Franklin expressed concerns about setting precedent with the gravel variance. He stated that he liked the design of the proposed building; however, he would prefer some masonry on the exterior. Vice-Chairman Franklin felt we needed to keep the integrity of US Highway 75 (Central Expressway) and the gateway to the business park.

Chairman Clark asked Staff to explain the proposed special ordinance provisions. Mr. Glushko described the eight proposed special ordinance provisions as listed in the staff report. He stated that Staff did not recommend approving special ordinance provisions #7 and #8 as listed in the staff report.

Chairman Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Kochalka, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing.

Mr. Cross stated that the proposed project is located at the entrance to a primarily "ML" – Light Manufacturing zoned business park. He stated that they had initially planned to request "ML" – Light Manufacturing zoning for this piece of property; however, concerns were raised by Staff about the future use of the property following the proposed use, which is why they are requesting to retain the "C" – Planned Center District zoning instead. Mr. Cross stated that all of the surrounding "ML" – Light Manufacturing zoned properties would be entitled to develop what is being requested by the applicant, by right, at a business park gateway location.

Commission Member Bush expressed concerns over the proposed chain-link fencing.

Commission Member Thompson expressed concerns regarding the possibility of having a concrete parking area for the overnight storage of vehicles. He did not feel that concrete would hold up over time.

Commission Member Gilmore had questions regarding the proposed gravel as a paving material. Mr. Schaumann explained that they normally sub-cut the lot, place geotextile fabric down, and generally 9" – 10" of crushed aggregate material. He stated that they generally used a class 5 or reclaimed interstate product that can hold up and not cause a dust issue.

Chairman Clark asked Staff if they felt the request should be tabled to address some of the Commission's concerns. Mr. Quint stated that Staff had worked with the applicant and felt the request should not be tabled.

On a motion by Commission Member Kochalka, seconded by Commission Member Thompson, the Commission voted 5–2–0 to recommend approval of special ordinance provisions #1, #2, #3, #5, #6, and #8 and recommend denial of special

ordinance provisions #4 and #7 as listed in the staff report for the rezoning request.

Chairman Clark and Vice-Chairman Franklin voted against the motion.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 5, 2013.

**13-006PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf Hunter Alma Eldorado, L.P., for Approval of a Preliminary-Final Replat for Lots 2R, 3, 4, and 5, Block B, of the Parcel 1017-1018 Addition, Being Fewer than 5 Acres, Located on the Southwest Corner of Eldorado Parkway and Alma Road**

Mr. Alex Glushko, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled until the February 26, 2013 Planning and Zoning Commission meeting per the applicant's request.

Chairman Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Bush, seconded by Commission Member Hilton, the Commission voted unanimously to continue the public hearing and table the proposed preliminary-final replat as recommended by Staff.

Chairman Clark declared the meeting adjourned at 8:00 p.m.

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ROBERT S. CLARK  
Chairman