

PLANNING AND ZONING COMMISSION

SEPTEMBER 11, 2012

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, September 11, 2012 at 6:30 p.m.

Commissioner Members Present: Chairman Robert S. Clark, Vice-Chairman Lance Lindsay, George Bush, Rick Franklin, Matt Hilton, and David Kochalka.

Commission Member Absent: Larry Thompson.

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Senior Planner Brandon Opiela, Planner IIs Anthony Satarino and Alex Glushko, Planner Samantha Gleinser, Arborist Emily Braht, Senior Parks Planner Jenny Baker, and Administrative Assistant Terri Ramey.

There were approximately 10 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 Lindsay, seconded by Commissioner Hilton, to approve the following three Consent Items:

**12-719 Minutes of the Planning and Zoning Commission
Regular Meeting of August 28, 2012.**

12-150PF Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of Lifestyle Communities of Texas, L.L.P., for Approval of a Preliminary-Final Plat for 95 Residential Lots and 4 Common Areas, for the Westlake Addition, Approximately 31.63 acres, Located on the Southeast Corner of Hardin Boulevard and Sorrell Road.

12-149CP Consider/Discuss/Act on the Request by Winkelmann & Associates, Inc., on Behalf of Minerva Partners, Ltd., for Approval of a Concept Plan for Lots 1-9, Block A, of the Water Tower Place Addition, Approximately 23.45 Acres, Located on the Southwest Corner of Virginia Parkway and Custer Road.

END OF CONSENT

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

12-141SP2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of DFA, Ltd., for Approval of a Site Plan for the Oak Hollow Office Warehouse Park, Approximately 3.20 Acres, Located Approximately 370 Feet South of Wilmeth Road and on the West Side of State Highway 5 (McDonald Street). (REQUEST TO BE TABLED)

Mr. Brandon Opiela, Senior Planner for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. Staff will re-notify for the next public hearing.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Lindsay, seconded by Commission Member Franklin, the Commission voted unanimously to close the public hearing and table the proposed site plan indefinitely as recommended by Staff.

12-129MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Stuart Manning, for Approval of a Minor Replat for Lots 1 and 2, Block A, of the Manning Addition, Approximately 0.46 Acres, Located on the West Side of Coleman Street and Approximately 95 Feet North of New Street.

Mr. Anthony Satarino, Planner II for the City of McKinney, explained the proposed minor replat request. He stated that Staff recommends approval of the proposed minor replat request as conditioned in the Staff Report.

The applicant was not present to comment.

Chairperson Clark opened the public hearing and called for comments.

Mr. Henry Drexel, 1011 Coleman, McKinney, TX, expressed concerns about subdividing the property, moving the historic structure currently on the property to the southern lot, whether or not the applicant intended to restore the structure, the width of

the lot not allowing for a driveway without a variance, removal of the trees on the property, and the new proposed structure not matching the historic feel of the neighborhood. He asked if Chapter 142-99(b)(2) (Lot shape in the Subdivision Ordinance) could apply to this request since it says that “the ratio of depth to width should not ordinarily exceed 2½ to one”. Mr. Drexel stated the proposed minor replat would exceed this ratio.

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

Commission Member Kochalka asked if there are additional requirements that must also be met on this request since it is located in the Historic district. Mr. Opiela explained that there are additional requirements for properties within the Historic district.

Commission Member Kochalka asked when a possible driveway issue would be addressed. Mr. Brandon Opiela, Senior Planner for the City of McKinney, stated that the City of McKinney Engineering Department would verify whether or not it would meet the standards and that it is not reviewed during the plating process.

Commission Member Kochalka asked if the proposed minor replat request meets the City’s lot size requirements for its zoning. Mr. Opiela said yes.

Commission Member Kochalka asked if the City plans to abandon the right-of-way on Midway. Mr. Opiela said no and that he believes there is infrastructure located within Midway Street.

Commission Member Kochalka asked if a permit is required to remove trees. Mr. Opiela said yes.

Mr. Satarino explained that the applicant plans to demolish the single family structure currently on the property except for the façade, which he plans to move to the southern lot, and fully restore as the façade of a new single family dwelling unit.

Commission Member Bush asked about the ordinance that Mr. Drexel mentioned. Mr. Michael Quint, Director of Planning for the City of McKinney, explained that when the provision wording says “should” that it is a recommendation and not mandatory.

Commission Member Bush asked if Midway Street is on the list for scheduled improvements. Mr. Opiela stated that he did not believe that this section of Midway was scheduled for improvements any time soon.

Vice-Chairman Lindsay asked why the applicant was not present at the meeting. Mr. Satarino was unsure of the reason and explained that the applicant had been notified about the meeting.

Commission Member Bush made a motion to deny the request; however, it died due to a lack of a second. Mr. Quint explained that the request could not be denied since it meets the requirements.

The Commission unanimously approved the motion by Commission Member Kochalka, seconded by Commission Member Franklin, to approve the proposed minor replat as conditioned on the staff report.

Chairman Robert Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

12-078M Conduct a Public Hearing to Consider/Discuss the Request by the City of McKinney, to Amend Section 138-429 (Location - Generally) of the Code of Ordinances Pertaining to Sexually Oriented Businesses; to Amend Sections 5 (Approval Required), 8 (Variances and Appeals), 9 (Definitions), 73 (General Development Plan), 74 (Preliminary-Final Plat), 75 (Preliminary-Final Replat), 76 (Record Plat), 77 (Minor Plat), 78 (Minor Replat), 79 (Amending Plat), 81 (Conveyance Plat), 99 (Lots), 105 (Improvements), 106 (Screening and Buffering of Certain Residential Lots Adjacent to Streets), and 157 (Conveyance of Land Requirements) of the Subdivision Ordinance (Chapter 142 of the Code of Ordinances); to Amend Sections 40 (Nonconforming Uses and Nonconforming Structures), 41 (Specific Use Permits), 42 (Temporary Uses), 44 (Access Management Plan Approval), 45 (Site Plan Approval), 46 (Definitions), 67 (AG - Agricultural District), 68 (RED-1 - Residential Estates District), 69 (RED-2 - Residential Estates District), 70 (RS 120 - Single Family Residence District), 71 (RS 84 - Single Family Residence District), 73 (RS 60 - Single Family Residence District), 74 (RS 45 - Single Family Residence District), 75 (RD 30 - Duplex Residence District), 77 (RG 25 - General Residence District), 78 (RG 18 - General Residence District), 79 (MF-1 - Multi-Family Residential - Low Density District), 80 (MF-2 - Multi-Family Residential - Medium Density District), 81 (MF-3 - Multi-Family Residential Medium-High Density District), 83 (NC - Neighborhood Convenience District), 84 (BN - Neighborhood Business District), 85 (BG - General Business District), 86 (C - Planned Center District), 87 (O-1 - Neighborhood Office District), 88 (O - Office District), 89 (BC - Commercial

Business District), 90 (ML - Light Manufacturing District), 91 (MH - Heavy Manufacturing District), 95 (MTC - McKinney Town Center District), 96 (CHD - Commercial Historic District), 130 (Vehicle Parking), 131 (Off-Street Loading), 132 (Fences, Walls, and Screening), 133 (Accessory Buildings and Uses), 134 (Performance Standards), 135 (Landscape Requirements), 137 (Communications Antennas, Satellite Dishes and Support Structures/Towers), 139 (Architectural and Site Standards), 162 (Administrative Official), 164 (Changes and Amendments), 165 (Board of Adjustment), Appendix C (Historic District Maps), 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 Ordinance (Chapter 146 of the Code of Ordinances); to Create Sections 42 (Dormancy and Approval Expirations) and 82 (Administratively Complete) of the Subdivision Ordinance (Chapter 142 of the Code of Ordinances); and to Create Sections 102 (RS SM - Single Family Residence District) and 141 (Residential Development Design Standards) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances).

Mr. Michael Quint, Director of Planning for the City of McKinney, gave the staff report and explained the proposed amendments to the Zoning and Subdivision Ordinances as well as Chapter 138 of the Code of Ordinances pertaining to the location of sexually oriented businesses. He stated that staff recommends the Planning and Zoning Commission consider and discuss the proposed amendments to Chapters 138 (Sexually Oriented Businesses), 142 (Subdivision Regulations), and 146 (Zoning Regulations) of the Code of Ordinances.

Commission Member Kochalka stated that staff had worked really hard on these amendments and he felt it will be well received.

Chairman Clark felt these amendments kept the City's standards high and would keep development moving fast when it complies.

Commission Member Hilton asked if sexually oriented businesses could be prohibited. Mr. Quint did not believe that sexually oriented business could be prohibited; however, he stated that certain limitations could be placed on the use.

Commission Member Bush stated that he had made some recommended changes to the ordinance and was glad to see that they had been incorporated into these amendments.

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

Chairman Clark stated that there would not be any action taken on this item tonight. Mr. Quint stated that there would be a joint Planning and Zoning Commission/City Council held on October 1, 2012.

Chairman Robert Clark adjourned the meeting at 7:00 p.m.

ROBERT S. CLARK
Chairman