

thresholds were put in place where the applicant had to build off-site road improvements on State Highway 5 (McDonald Street), intersection improvements at Wilmeth Road and/or Bloomdale Road, and some turn lanes. He did not feel that these improvements would address all of the traffic congestion on State Highway 5 (McDonald Street).

Commission Member Stevens asked about the major road proposed on the property. Mr. Quint stated that the proposed road was planned to extend along the east side of the airport.

Commission Member Gilmore had questions about zoning a property that had not yet been annexed into the City. Mr. Quint explained that the City had negotiated certain entitlements through the pre-annexation agreement, which was authorized through Chapter 212 of the Local Government Code. He stated that this zoning request was in line with the pre-annexation agreement that was approved in 2012.

Mr. James Richey, Petsche and Associates, 2600 Eldorado Parkway, McKinney, TX, stated that they had been working on this project for quite a while. He stated that a traffic study had been completed and showed that the planned improvements that were a part of the pre-annexation agreement should address any additional traffic created by the proposed development. Mr. Richey concurred with the Staff report.

Chairman Franklin opened the public hearing and called for comments. Ms. Sharon Mackenzie turned in a speaker's card in opposition for the request; however, she did not speak during the meeting. She did not list any comments or concerns on the card.

On a motion by Commission Member Kuykendall, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing and recommend approval of the zoning request with the special ordinance provisions listed in the Staff report, with a vote of 5-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 7, 2015.

15-042Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C3" - Regional Commercial District and "CC" - Corridor Commercial Overlay District, Located Approximately 450 Feet West of Hardin Boulevard and on the North Side of U.S.

Highway 380 (University Drive)

Ms. Samantha Pickett, Planner II for the City of McKinney, stated that the applicant was requesting to rezone the property, currently for retail and office uses, to "C3" - Regional Commercial District for regional commercial uses. She stated that the Future Land Use Plan designates the property for commercial uses and the surrounding properties and zoning for non-residential uses; therefore, Staff felt "C3" - Regional Commercial District was appropriate along U.S. Highway 380 (University Drive). Ms. Pickett stated that the applicant had also indicated that if the rezoning request was approved, it was their intention to request a specific use permit for an auto painting/body shop on the property. She stated that Staff recommends approval of the rezoning request.

Mr. Kevin McKibben, Cross Development, 5317 Inverrary Drive, Plano, TX, offered to answer questions regarding the request. 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, with a vote of 5-0-0.

Chairman Franklin stated that he had an issue with building a body shop at this location when other uses could be built on this corner in the future. He felt that by building a body shop at this location that it would change the dynamics of what else might be built on that corner. Chairman Franklin stated that he was not in favor of the request. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Staff struggled with some of the same concerns. He stated that this request is to set up a future request for the auto body shop; however, this request was not for the actual auto body shop use on the property. Mr. Quint stated that under the "C-3" - Regional Commercial District that an auto body or paint shop would require an approval of a specific use permit to be an allowed use. He reiterated that this request was for the rezoning of the property to later allow them to ask for the specific use permit. Mr. Quint stated that a number of uses would be allowed under "C-3" - Regional Commercial District zoning. He reminded the Commission that U.S. Highway 380 (University Drive) was a major regional highway. Mr. Quint stated that knowing there were additional

safeguards in place, Staff felt comfortable recommending approval of this rezoning request.

Commission Member Stevens briefly discussed the current uses on properties near this location. He did not feel that this location would become an upscale retail use. Commission Member Stevens asked what type of uses could go around that location now. Mr. Quint stated that there was commercial zoning in place. Commission Member Stevens asked if this property could currently have a heavier use on it. Mr. Quint said no. He stated that there was some property zoned for industrial and multi-family uses nearby.

Commission Member Stevens asked if Raytheon controlled the southeast and/or southwest corner. Mr. Quint did not think that they controlled either corner.

Chairman Franklin asked what other type of uses were allowed in "C-3" - Regional Commercial District zoning. Mr. Quint gave some examples of bait shop, retail bakery or confectionery, wholesale bakeries, banks, et cetera being allowed uses in a "C-3" - Regional Commercial District zoning. He stated that 14 new zoning districts were created in mid-2014 to replace some older zoning districts. Mr. Quint stated that when an applicant wants to go to a higher intensity use on a property then they have to request the property be rezoned to one of the new zoning districts. He stated that locational criteria had been built in to the zoning districts. Mr. Quint stated that for "C-3" - Regional Commercial District zoning required that the property be on a major regional highway and at an arterial intersection. He stated that this property met all of the requirements to request "C-3" - Regional Commercial District zoning. Mr. Quint stated that some safeguards were put in place, for high intensity uses that may or may not be appropriate, through the specific use permit process. He stated that "C-3" - Regional Commercial District zoning allowed very intense uses and that Staff struggled with recommending approval of this rezoning request. Mr. Quint stated that there were residential uses to the north of this property. He reminded the Commission that a specific use permit must also be approved to allow an auto painting/body shop use on the property.

Commission Member Stevens asked about the allowed uses in a "CC" - Corridor Commercial Overlay District. Mr. Quint stated that the "CC" - Corridor Commercial

Overlay District does not speak to land uses. He stated that it allows higher building heights and modified architectural standards. Mr. Quint stated that the "CC" – Corridor Commercial Overlay District was adopted to allow for corporate office developments to relocate to McKinney.

Commission Member Stevens asked if someone else wanted to develop this property would have to rezone it to something else. Mr. Quint stated that the property was already zoned for commercial uses. He stated that the applicant has a higher intensity use in mind for the property that was not allowed in the current zoning. Mr. Quint stated that another option would be to rezone the property to a "PD" – Planned Development District that allowed this use; however, he stated that Staff tried to discourage applicants from rezoning properties to "PD" – Planned Development Districts unless it was an innovative or exceptional quality development. He stated that Staff did not feel that the proposed development for this property warranted being rezoning to a "PD" – Planned Development District.

Commission Member Gilmore asked if there were previous requests for auto painting/body shops that had been denied. Mr. Quint was unaware of any being turned down. He explained that some of the older zoning districts were put in place back in the 1960's that allowed a number of uses. Mr. Quint stated that there had been a number of changes to the Planning profession since the 1960's and how land uses were regulated. He stated that some of the City's ordinances had not kept pace with those progressions in the Planning field. Mr. Quint explained that the new zoning districts are reflective of what we want in our city now. He stated that the ordinance recognizes that there were some land uses that maybe or may not be appropriate at some intersections, so the specific use permit process was built in to address these concerns.

Commission Member Stevens felt that if the rezoning request was approved then the applicant would most likely come back shortly afterwards to request the specific use permit for the auto painting/body shop use on the property. Mr. Quint agreed.

Commission Member Stevens asked what requirements Staff would seek on the property if the applicant did submit for a specific use permit for an auto painting/body shop use on the property. Mr. Quint stated that if this rezoning request was approved by City Council, the applicant would then need to get a specific use permit approved by

City Council, which was about a two month process, and then the applicant would need to submit their site plan for review. He stated that if there were discretionary measures for noise abatement, visual screening, et cetera that the Commission or City Council wanted implemented then the specific use permit would be the correct process. Mr. Quint explained that special ordinance provisions could be added on to the condition of approval during the specific use permit. He stated that if this rezoning request was approved by City Council that the applicant could not build the auto painting/body shop use in the property without getting a specific use permit approved, which was a different process.

Commission Member Kuykendall stated that knowing these protections were in place made this rezoning request more palatable for her.

Commission Member Stevens asked if this rezoning of the property could damage the value or uses of the surrounding properties. Chairman Franklin felt it would change the dynamics out there.

Chairman Franklin had concerns regarding allowing new uses to the property that were not currently allowed. He stated that Baylor Hospital was already out there. Chairman Franklin felt that there was an opportunity to change things as we go along to allow for office, retail, and medical uses in this area to create a very good corridor.

Commission Member Stevens asked if the current City Council approved the "C3" - Regional Commercial District in the ordinance. Mr. Quint said yes. He explained that it was approved mid-last year and that Staff worked diligently with City Council on the ordinance changes.

Commission Member Stevens stated that if the applicant came back requesting a specific use permit for an auto painting/body shop on the property that he would not be in favor of it unless they came back with a first class development and plenty of screening surrounding the development.

Chairman Franklin felt that the City's Architectural Standards would address the visual look of a possible auto painting/body shop on the property. He stated that he had concerns about the paint booths and various vehicles parked on the property though.

Chairman Franklin asked for some examples of the zoning uses allowed in the current zoning versus the proposed zoning district. Ms. Quint stated that the current

zoning allowed for any non-residential uses permitted in the "BN" - Neighborhood Business district and "O" - Office district. He stated that the current zoning would require specific use permit for higher intensity uses on the property. Mr. Quint asked the Commission if they wanted to table the request to allow Staff to pull a spreadsheet showing the differences. He stated that Staff felt comfortable recommended approved of the rezoning request, considering there were additional safeguards built in for higher intensity uses. Mr. Quint stated that he agreed that a lot of the industrial uses in the area may go away in time. He felt that developers would see the commercial opportunities in this area of McKinney. Mr. Quint stated that the properties zoned for industrial uses would not need to rezone for commercial uses on their property.

Commission Member Gilmore asked if the current zoning on the property would allow for medical offices to be built. Mr. Quint said yes.

Chairman Franklin expressed concerns if this property was rezoning to "C3" - Regional Commercial District that it might trigger other surround properties to request the same zoning on the properties. Mr. Quint stated that Staff asked the applicant why they were not requesting the whole corner be rezoned to "C-3" - Regional Commercial District. He stated that the applicant responded that they only wanted two acres of the property. Mr. Quint felt that more of this property would be rezoned to "C-3" - Regional Commercial District in the future.

Alternate Commission Member McCall stated that he was in favor of the request knowing that they would have to go through the specific use permit process for more intense uses on the property.

Commission Member Gilmore asked if it might be misleading to approve the rezoning request and not intend to approve the auto painting/body shop on the property. Chairman Franklin stated that the Commission had expressed some of their concerns during the meeting, so the applicant should be aware there were concerns regarding a possible auto painting/body shop on the property. Mr. Quint agreed with Chairman Franklin that the applicant should be aware of the Commission's concern after the comments from this meeting.

On a motion by Commission Member Gilmore, seconded by Alternate Commission Member McCall, the Commission voted unanimously to recommend approval of the rezoning request, with a vote of 5-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 7, 2015.

14-331SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit for a Restaurant with Drive-Through Window, Located on the South Side of Eldorado Parkway and Approximately 220 Feet East of Ridge Road

Ms. Samantha Pickett, Planner II for the City of McKinney, stated that the applicant was requesting a specific use permit to allow for a restaurant with drive-through window on the subject property. She stated that Staff felt the site was appropriate for the proposed use and the applicant had met all of the requirements of the specific use permit. Ms. Pickett stated that Staff recommended approval of the proposed specific use permit with the special ordinance provisions listed in the Staff report.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; briefly explained the specific use permit request. He stated that a Chick-fil-A was planned for the site. He stated that the proposed site was about twice the size of one of their normal restaurants to help address traffic concerns. Mr. Roeder concurred with the Staff report.

Commission Member Stevens stated that he wished the landowner had reduced the size of the Chick-fil-A site to make extra room for the proposed Taco Bell site. Mr. Roeder stated that they had a limited amount of frontage to work with on the property. He stated that this was about the only way that they were able to get Chick-fil-A to agree to build at this location. Mr. Roeder felt that restaurants were needed in this area of McKinney.

Chairman Franklin opened the public hearing and called for comments.

Ms. Terry Miller, 6012 Hidden Pine Lane, McKinney, TX, stated that she lives in the Pine Ridge Estates and two doors down from the proposed restaurants. She asked about the plans to screen the restaurants from the surrounding neighborhood to address noise and traffic issues. Commission Member Gilmore felt that her concerns