

Draft Planning and Zoning Commission Meeting Minutes of June 23, 2020:

20-0004Z 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 Use and Development Standards and to Allow for an Indoor and Outdoor Wedding / Event Venue or Banquet Facility, Located on the Southwest Corner of Virginia Parkway and Lake Forest Drive. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed rezoning request, location of the subject property, and discussed the adjacent properties. He stated that 50 additional letters of opposition were distributed to the Commission prior to the start of this meeting. Mr. Moss stated that the current zoning on the property is split into two tracks. He stated that the retail track permits a variety of retail uses. Mr. Moss stated that the rear track is generally aligned with the "O" – Office District, which includes indoor amusement uses. He stated that it would allow an indoor wedding venue; however, there is a limitation of 15,000 square footage allowed under the current zoning. Mr. Moss stated that the proposed rezoning would still divide the property into two tracts; however, rearranges them slightly. He stated that Tract Two would develop in accordance with the "C1" – Neighborhood Commercial District with some modifications to the permitted uses. Mr. Moss stated that Tract One would utilize the "SO" – Suburban Office District, with some modifications to the permitted uses, including adding the indoor/outdoor wedding/event venue and/or banquet facility with up to eight overnight suites in conjunction with an event rental would be permitted. He stated that the outdoor uses would be limited in location and need to be at least 150' away from residential uses. Mr. Moss stated that the space limits mostly follow the existing zoning. He stated that the most notable change in Tract One being an increase in the maximum building height from 35' to 40'. Mr. Moss

stated that the applicant is offering several enhancements with a 30' tree perimeter zone that would follow the adjacent residential development and extend along Village Drive to protect all trees that are 6" or greater in diameter. He stated that they would also be required to plant one tree per linear feet along the property line where trees are currently not present. Mr. Moss stated that the applicant is proposing a screening device along Village Drive. He stated that the applicant would also be keeping the enhanced signage and lighting requirements from the current "PD" – Planned Development District. Mr. Moss stated that they are also requiring full cut-off luminaries in order to guard against light pollution. He stated that Staff has received numerous letters of opposition to the proposed rezoning request. Mr. Moss stated that any development on the arterial roadway would be required to provide right turn lanes into the site. He stated that at time of platting a traffic impact analysis would be required if the City of McKinney Engineering Department deemed it necessary. Mr. Moss stated that the property would be subject to the City's noise ordinances. He stated that the City's space limits provide exceptions for architectural features, such as domes, spires, or cupolas, as long as they could provide an additional setback for each foot in height. Mr. Moss stated that this would apply to the proposed zoning district. He stated that given the location, on an arterial roadway, Staff is comfortable with the height request. Mr. Moss stated that when evaluating the proposal, Staff was considering outdoor amusement as a use and where it would be appropriate on this site. He stated that Staff noted that there are other outdoor uses permitted in some other neighborhoods and gave examples. Mr. Moss stated that this site has some significant topography that will provide a natural separation between the uses. He stated that Staff feels that the proposed zoning is appropriate and recommends approval of the request. Mr. Moss offered to answer questions. Commission Member McCall asked floodplain area of the property. Mr. Moss stated that there is a creek

that currently runs through the site. He stated that they might be able to reclaim some of the property if it is not within the full floodplain. Mr. Moss stated that a concept plan submitted to Staff shows part of the creek remaining as a feature to the site. He did not feel that the creek would affect the overall developability of the property. Commission Member Haeckler asked if they completed a noise study. Mr. Moss stated that a noise study was not completed in conjunction with the proposed rezoning request. He stated that there would be largely trees between the residential development and the proposed uses. Commission Member Haeckler asked about the setbacks. Mr. Moss stated that it would be approximately 150'. Commission Member Haeckler asked if there were any restrictions on street parking. Mr. Moss stated that currently there is no street parking allowed on Virginia Parkway or Lake Forest Drive, since they are arterial roadways. He stated that the Engineering Department would determine if parking would be allowed along the collector roadway. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the applicant was not proposing any parking changes with this rezoning request. She stated that they would be required to follow the standards of the Zoning Ordinance with all parking to be provided onsite. Ms. Arnold stated that the concept plan shows the access to the facility would be off Virginia Parkway. Vice-Chairman Mantzey asked about the hours of operation. Mr. Moss stated that they would need to follow the hours of operation set up in the City's noise ordinance. He stated that for any speaker equipment they would not be allowed to operate them between 10:00 p.m. – 7:00 a.m. between Sunday – Thursday and then 11:30 p.m. – 7:00 a.m. on Friday and Saturday. Mr. Moss stated that there is also another noise ordinance limiting the number of decibels, not above 65 decibels, that can be present between 6:00 a.m. – 9:00 p.m. He stated that at night the noise could not exceed above 50 decibels. Chairman Cox asked for the differences of what is currently allowed and what is being

requested for the property. Mr. Moss stated that the proposed rezoning is a modernization of the existing zoning. He stated that the most notable changes and enhancements were height requirement, screening and buffering, tree preservation, site coverage, and the maximum building area on Track One would increase from 15,000 square foot to 45,000 square foot. Mr. Steve Homeyer, Homeyer Engineering, Inc., 206 Elm Street (per online search), Lewisville, TX, explained the proposed rezoning request. He briefly discussed what they initially proposed on the site and how it had changed while working with City Staff. Mr. Homeyer stated that they were proposing a pond with a gazebo with the new layout. He stated that they intent to maintain the trees and there would also be a 6' masonry screening wall near the adjacent residential properties. Mr. Homeyer stated that he read through the majority of the letters of opposition received by Staff. He stated that they mostly were concerns with traffic congestion, loss of trees and vegetation, parking, vehicle lights, and noise concerns. Mr. Homeyer discussed the 2018 traffic counts on Virginia Parkway and Lake Forest Drive. He stated that they were large arterial streets designed and intended to carry large sums of traffic. Mr. Homeyer did not feel the number of vehicles that they would expect at their site to be a significant increase to the existing traffic counts. He also felt the traffic generated by the site would be off-peak times. Mr. Homeyer stated that they were planning to keep as many trees as possible on the site. He stated that the proposed screening wall and vegetation would block the vehicle lights. Mr. Homeyer stated that the parking lot lights will have the cut-offs, so that the light will be directed downward. He stated that they would also be adhering to the City's photometric and noise requirements. Mr. Homeyer gave examples of development that could occur on the property under the current zoning. He offered to answer questions. Commission Member Haeckler asked about the proposed total height. Mr. Homeyer stated that the very top of the proposed tower

segment would be approximately 71'. Vice-Chairman Mantzey asked about the typical events and when would they be held. Mr. Sanjay Joshi, 8600 Riviera Court, Flower Mound, TX, stated that they plan to host corporate, engagement ceremonies, and wedding events. He stated that most of the events would be held inside and typically on Fridays and Saturdays. Mr. Joshi stated that there would be some outdoor weddings and events held at the gazebo. He stated that they were fine with the City's requirements on the hours of operation. Commission Member Haeckler asked about music outdoors at the site. Mr. Joshi stated that they would follow the City's regulations and requirements. Chairman Cox opened the public hearing and called for comments. The following 18 residents spoke with opposition to the proposed rezoning request.

- Mr. George Moore, 3045 Village Drive, McKinney, TX
- Mr. Jason Wofford, 5104 Sandy Court, McKinney, TX
- Ms. Kelly Bender, 5129 Sandy Court, McKinney, TX
- Ms. Mia Bella Mecham, 200 S. Village Drive, McKinney, TX
- Mr. Mike Mecham, 200 S. Village Drive, McKinney, TX
- Mr. Peter Litwin, 5124 Sandy Court, McKinney, TX
- Mr. Patrick Jackson, 5120 Sandy Court, McKinney, TX
- Mr. Chris Carroll, 5133 Sandy Court, McKinney, TX
- Mr. Tom Gibson, 5125 Sandy Court, McKinney, TX
- Mr. Keith Harber, 7501 Crestway Court, McKinney, TX
- Mr. Michael Cameron, 2025 Savannah Drive, McKinney, TX
- Ms. Danielle DeCoudreaux, 5309 Stone Brooke Crossing, McKinney, TX
- Ms. Christine DeCoudreaux, 5309 Stone Brooke Crossing, McKinney, TX
- Mr. Tareq Nasraluh, 5128 Lake Bend Drive, McKinney, TX

- Ms. Sandy DeLaunay, 304 S. Village Drive, McKinney, TX
- Ms. Asha Shetty, 313 Blue Spring Drive, McKinney, TX
- Ms. Heidi Mecham, 200 S. Village Drive, McKinney, TX
- Mr. Jacob Bell, 1809 Cypress Point Drive, McKinney, TX

The following resident spoke in support of the proposed rezoning request.

- Mr. Joe Joplin, 407 S. Tennessee Street, McKinney, TX

The following resident turned in a speak card in opposition to the proposed rezoning request; however, did not wish to speak during the meeting.

- Ms. Ekaterina Harber, 7501 Crestway Court, McKinney, TX

Chairman Cox called for additional public comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey asked Staff to discuss what could and could not be built on the property under the current zoning. Mr. Moss stated that the current zoning is split into two different tracks. He stated that the retail track portion would allow for a variety of retail uses, similar to what is located across the street. Mr. Moss stated that the rear portion of the property was currently zoned for office development that permits indoor events as part of the allowed uses. He stated that it has a square footage cap of 15,000 square feet per structure; however, multiple structures could be built on the property. Mr. Moss stated that a lot of the provisions in the current zoning were carried through to the proposed rezoning request. He stated that the lighting and signage would be very similar. Mr. Moss stated that the current rear yard setback is 25' to the adjacent residential. He stated that they were proposing a 30' tree preservation zone, which they would not be allowed to build within that area, which is an increased buffer. Commission Member Haeckler asked if there were any

limitations from the Fire Marshal. Mr. Moss stated that at the time of a building permit submittal, the Fire Marshal and Building Inspections Department would make a determination on the ultimate compacity of the structure. Commission Member Haeckler asked for clarification on a traffic study for the site. Mr. Moss stated that if the Engineering Department deemed it necessary for the site, they would require it at the time of platting. Commission Member McCall if the major difference was the size of the building. Mr. Moss stated that the size and the outdoor components were the reasons they needed to rezone the property. Commission Member Haeckler asked if having a larger building verses having multiple smaller buildings would allow for additional patrons. Mr. Moss stated that the final occupancy load would be determined on a number of factors. Ms. Arnold stated that we have a concept plan that is not tied down to the proposed rezoning request. She stated that the capacity, parking, fire lanes, tree requirements, et cetera would be more fully evaluated during the site plan process. Ms. Arnold stated that the applicant is willing to put a cap on the individual building size at 45,000 square foot. She stated that at this time we do not know what the ultimate building size would be for the development. Ms. Arnold stated that currently each individual building was capped at 15,000 square feet. She stated that if there is one larger building or multiple small buildings on the site, they would still have to meet all of the requirements for site development. Ms. Arnold stated that we are looking at the use and square footage of the building. Commission Member Kuykendall asked if the proposed rezoning would be adding the outdoor events as uses on the property. Ms. Arnold stated that under the current zoning they would be allowed to do the indoor events at the site. She stated that the outdoor component would be added under the proposed rezoning. Ms. Arnold stated that they would be required to park the outdoor component as well. Commission Member Taylor asked Staff to go over the hours of operation for the outside. Mr. Moss stated

that the hours of operation limitation would come from the noise ordinance. He stated that the noise ordinance says they would not be permitted between 10:00 p.m. – 7:00 a.m. from Sunday – Thursday and 11:30 p.m. – 7:00 a.m. on Friday and Saturday. Ms. Arnold stated that the City of McKinney does not inherently regular hours of operation for businesses. She stated that the City regulates the noise and nuisance that may come from the hours of operation. She stated that the Zoning Ordinance has a set of performance standards that limit the decibel level for noise abounding the property line between a commercial property and a residential property that they could not exceed 65 decibels during the daytime (6:00 a.m. – 9:00 p.m.) and 58 decibels at nighttime hours. Ms. Arnold stated that any commercial business would be subject to that requirement. She stated that Section 70 of the Code of Ordinance is in reference to nuisances, which also relates to noise. Ms. Arnold stated that outdoor noise disturbances are limited to the hours that Mr. Moss mentioned earlier. She stated that there are two layers when they talk about noise. Ms. Arnold gave an example of a barking dog creating a noise disturbance that any resident could contact the City with a complaint. Chairman Cox asked the applicant how he would address some of the concerns and comments that the residents expressed during the public comments portion. Mr. Homeyer stated that a lot of the concerns he heard were based on the proposed use. He stated that the proposed use is technically currently allowed on the property. Mr. Homeyer stated that the substantial change that they are proposing is the building size and the outdoor use. He stated that they were also asking for an increase in height. Mr. Homeyer stated that they would have a lot of the same issues regardless of the zoning. He stated that they would do everything that they could possibly do to limit the noise and lighting by following the City's ordinances. Commission Member Doak asked how committed they were to the plan that was submitted as informational only. Mr. Homeyer stated that they were highly

committed to it. He stated that Mr. Joshi and his architect have traveled to numerous facilities around the country to see what works and what does not work. He stated that was how they arrived at this particular building configuration. Mr. Homeyer stated that he did not feel that there would be a tremendous change. He stated that they still have to go through the site plan and building permit phases and as they go through those processes there is potential for change based upon code related items that will need to be addressed. Commission Member Doak asked about the proposed office and retail development. Mr. Homeyer stated that the retail would be something commercial to help address some of the needs of the nearby residents. He did not know exactly what would go in there. Mr. Joshi stated that they met with one of the homeowner's associations (HOAs) and tried to meet with the second homeowner's association (HOA) without success. He stated that they sent letters to everyone to discuss the project. Mr. Joshi stated that the residents heard about the project through their efforts. He discussed the process they went through coming up with the proposed rezoning request. Mr. Joshi felt the current proposal was the best plan that they had come up with for the project. He stated that eventually something will develop on the property whether they do it or someone else does. Commission Member Haeckler expressed concerns about having a larger venue to have a higher density and that 150' setback was the minimum requirement. He stated that he did not often go against Staff's recommendation; however, he would be in favor of recommending denial of this request. Commission Member Kuykendall stated that the larger building was not as much of a concern to her as the outdoor component. She stated that it is easier to contain noise when it is inside a building as opposed to when it is outside. Commission Member Taylor stated that he did not have an issue with the proposed building size. He stated that he would vote in favor of the request if it did not have the outdoor event area. Commission Member McCall stated that

basically the building size and adding the outdoor component was being considered tonight. He stated that he was hard for him to be opposed to the request. Commission Member Doak stated that he did not have an issue with the building size. He felt that if the outside component were removed this would be a much easier decision for the Commission. Vice-Chairman Mantzey stated that loosing greenspaces is always difficult, especially south of State Highway 380 (University Drive), where there is a lot of infill. He stated that the residents also disliked the Ledges when it came in just up the road and expressed similar concerns at that time. Vice-Chairman Mantzey stated that the proposed building size is too large. He stated that the increase in the outdoor, back towards the residents, was not the right type of venue. Chairman Cox stated that he agrees with Staff's recommend. He stated that it was an appropriate use for the site. Chairman Cox called for a motion. On a motion by Commission Member Haeckler, seconded by Vice-Chairman Mantzey, the Commission voted to recommend denial of the proposed rezoning request, with a vote of 4-3-0. Chairman Cox, Commission Member Doak, and Commission Member McCall voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2020.