

PLANNING AND ZONING COMMISSION

AUGUST 10, 2021

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, August 10, 2021 at 6:00 p.m.

City Council Present: Rick Franklin

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, Cam McCall, Bry Taylor, Scott Woodruff – Alternate, Charles Wattley - Alternate

Staff Present: Director of Planning Jennifer Arnold, Planning Manager Caitlyn Strickland, Planner II Kaitlin Gibbon; Planners Jake Bennett and Sofia Sierra, and Administrative Assistant Terri Ramey

There were approximately 30 guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairman Cox called for public comments on non-public hearing agenda items. There were none.

The Commission unanimously approved the motion by Commission Member Doak, seconded by Commission Member McCall, to approve the following two Consent items with a minor correction on page three of the Minutes of the Joint Meeting with City Council and Planning & Zoning Commission of July 27, 2021, with a vote of 7-0-0.

21-0701 Minutes of the Joint Meeting with City Council and Planning & Zoning Commission of July 27, 2021.

21-0702 Minutes of the Planning & Zoning Commission Regular Meeting of July 27, 2021.

END OF CONSENT AGENDA

Chairman Cox called for consideration of the plat consideration under Texas Local Government Code Chapter 212.

21-0103CVP Consider/Discuss/Act on a Conveyance Plat for Addison Wilson Addition, Lots 2R, and 3, Block A, and Lot 1, Block B, Located on the Northwest

Corner of U.S. Highway 75 and Laud Howell Parkway. Ms. Sofia Sierra, Planner I for the City of McKinney, explained the proposed conveyance plat. She stated that Staff recommends approval of the proposed conveyance plat as conditioned in the Staff Report and offered to answer questions. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to approve the conveyance plat with conditions as recommended by Staff, with a vote of 7-0-0.

END OF PLAT CONSIDERATION UNDER TEXAS LOCAL GOVERNMENT CODE
CHAPTER 212

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

- 20-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use
- 0006SUP2** Permit to Allow for Warehouse Uses, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and Tina Drive (REQUEST TO BE TABLED). Ms. Kaitlin Sheffield, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item tabled to the August 24, 2021 Planning & Zoning Commission meeting due to notification signs not being posted on the subject property in the timeframe required by the Zoning Ordinance. She stated that Staff distributed seven letters of opposition to the Commission prior to the meeting and would be included with the next Staff Report. Ms. Sheffield offered to answer questions. Commission Member Kuykendall asked about the notification process if the item was tabled. Ms. Sheffield stated that another public hearing notice would not be mailed out if the public hearing is continued and the item is tabled to the August 24, 2021 Planning & Zoning Commission meeting. She stated that if the public hearing was tabled indefinitely, then a new public hearing notice would be mailed out. Commission Member Kuykendall asked if the seven letters of opposition would remain with this case. Ms.

Sheffield said yes. Chairman Cox opened the public hearing and called for comments. Mr. Jimmie Kirby, 4617 Worchester Lane, McKinney, TX, stated that the subject property was located directly behind his property. He had concerns regarding lack of buffering, increased traffic, and safety of the neighborhood children. Mr. Kirby asked if McKinney Ranch Parkway would be widened. On a motion by Commission Member Haeckler, seconded by Commission Member Taylor, the Commission unanimously voted to continue the public hearing and table the request to the August 24, 2021 Planning & Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

20-0073Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C3" - Regional Commercial District, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and Tina Drive (REQUEST TO BE TABLED). Ms. Kaitlin Sheffield, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item tabled to the August 24, 2021 Planning & Zoning Commission meeting due to notification signs not being posted on the subject property in the timeframe required by the Zoning Ordinance. She stated that Staff distributed six letters of opposition to the Commission prior to the meeting and would be included with the next Staff Report. Ms. Sheffield offered to answer questions. Commission Member Taylor asked if Tina Drive was going to be widened. Ms. Sheffield was not aware of Tina Drive being widened. She stated that McKinney Ranch Parkway was shown on the Master Throughfare Plan as a four-lane arterial. Ms. Sheffield stated that those two additional lanes would be constructed on the subject property. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Haeckler, seconded by Commission Member McCall, the Commission unanimously approved the motion to continue

the public hearing and table the request to the August 24, 2021 Planning & Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

21-0014SP Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Car Wash (Take 5 Express Car Wash) Located at 4950 McKinney Ranch Parkway. Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, explained the proposed site plan for a car wash and the variance request. She stated that a car wash was allowed by right under the current zoning. Ms. Strickland stated that typically site plans could be approved at the Staff level; however, the applicant was seeking a variance for bay door orientation, which shall be considered by the Planning & Zoning Commission. She stated that the applicant was proposing to construct a 4,400 square foot car wash on the subject property. Ms. Strickland stated that they propose to orient an overhead door at the end of the car wash towards McKinney Ranch Parkway. She stated that the overhead door would be approximately 100' away from the street. Ms. Strickland stated that Staff was of the opinion that the proposed landscaping along the end of the tunnel and the required street trees planted along the right-of-way should provide a level of screening that meets the intent of the ordinance for screening the overhead door. She stated that Staff recommends approval of the proposed request and offered to answer questions. Commission Member Haeckler had questions regarding the proposed landscaping. Ms. Strickland stated that the City of McKinney Engineering and Fire Departments had reviewed the plans and not noted any concerns with the proposed landscaping. Vice-Chairman Mantzey asked about the zoning of the surrounding properties. Ms. Strickland stated that the property to the south was zoned "PD" – Planned Development District, which allows for residential and commercial uses on that tract. She stated that the City has not received any applications for that tract. Ms. Strickland explained

that the car wash was allowed by right on the subject property. She stated that the proposed overhead door was being considered for this request. The applicant was not present at the meeting to give a presentation. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey stated that he did not have any concerns with this request. He stated that it was not facing any existing residential developments. Commission Member Haeckler stated that staff from the City of McKinney Engineering and Fire Departments had reviewed the plans, and there were no issues with the maintenance of the proposed landscaping and the car wash's ability to function mentioned. Commission Member Doak stated that he agreed with Vice-Chairman Mantzey's comments. On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission voted to approve the site plan request with conditions and the variance request as recommended by Staff, with a vote of 7-0-0.

- 21-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use
0008SUP Permit to Allow for a Private Club (Barons Creek Vineyard), Located at 301 W. Louisiana Street. Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, explained the specific use permit for a private club (Barons Creek Vineyard). She stated that the request is for a proposed winery that is classified as a private club due to the "MTC" – McKinney Town Center Zoning District. Ms. Strickland stated that a Specific Use Permit (SUP) is required for a private club within this district. She stated that it would be more of a winery/wine bar at this location. Ms. Strickland stated that the applicant was proposing to have additional outdoor patio seating at this location. She stated that Staff has extensively reviewed the proposed request, adjacent uses, and economic factors. Ms.

Strickland stated that Staff is comfortable in recommending approval of the proposed request and offered to answer questions. Vice-Chairman Mantzey asked if the proposed patio was on the front of the building, facing Louisiana Street. Ms. Strickland stated that was correct. Vice-Chairman Mantzey discussed some of the surrounding uses and the park across the street. Ms. Strickland stated that the applicant will need to receive approval from the Historic Preservation & Downtown Development Planner for the proposed changes as well. Commission Member Haeckler inquired if the percentage of alcoholic sales verses food consumption was why it would be classified as a private club. Ms. Strickland said yes. Commission Member Haeckler asked if it would be open to the public and not require a membership. Ms. Strickland stated that was correct. Commission Member Haeckler asked if the glass would be removed to allow for an open patio. Ms. Strickland suggested that the applicant address that when they made their presentation. Vice-Chairman Mantzey asked if a Specific Use Permit (SUP) could be revoked if they were causing a nuisance to the City. Ms. Strickland stated that it could be possible if the business no longer met the code of the Specific Use Permits (SUPs) set forth in the code of ordinances. Vice-Chairman Mantzey asked if there was no renewal process for a Specific Use Permit (SUP). Ms. Strickland stated that was correct. Commission Member Haeckler asked if they later decide to expand into the other space in the building, would they need to come back for additional approval. Ms. Strickland said yes. Chairman Cox asked about the distance to the closest church. Ms. Strickland stated that it is approximately 340-350' away measuring from front door to front door. She stated that the requirement is a distance of 300' from a religious institution. Chairman Cox asked for the location of the closest church. Ms. Strickland stated that it is located at the corner of W. Davis Street and S. Church Street. Mr. Anthony Makoujy, Barons Creek Vineyards,

260 E. David Street, McKinney, TX, explained the proposed Specific Use Permit (SUP). He stated that they are an education-based winery. Mr. Makoujy stated that they hold various classes. He stated that it is a good way to meet other people interested in food and wine. Mr. Makoujy stated that they have other locations in Georgetown and Granbury, TX. He stated that they are considering having the operating hours from 2 – 9 PM. Mr. Makoujy stated that it would be a mature environment. He stated that they are proposing to open up the covered patio area and have a 3' gate with a door surrounding the area, similar to Harvest's patio. Chairman Cox asked if they would be giving education classes and/or wine tastings. Mr. Makoujy stated that they were planning to do both. Chairman Cox asked what they plan to do with the south side of the building. Mr. Makoujy stated that would be the back parking lot and the shipping/receiving area. Chairman Cox asked if customers would be in that area. Mr. Makoujy stated that there is a back entrance, so the customers would not need to walk all the way around to the front entrance of the building to enter. Chairman Cox asked if there would be customer seating outside on the backside of the building. Mr. Makoujy said not at this time. Chairman Cox opened the public hearing and called for comments. Mr. E A Von Bergen, 105 S. Benge Street, McKinney, TX, stated that he lives adjacent to the subject property. He stated that the fence on the west side of the parking lot was approximately 23' from his bedroom and approximately 30' from his backdoor. Mr. Von Bergen expressed concerns affecting his quality of life, decreasing property values, increased traffic, and additional parking issues. Mr. Mathew King, Architect, 4308 Cherry Lane, Melissa, TX, stated that they may have outdoor dining in the existing parking lot in the future. He stated that they intend to pull off some of the façade to create an opening into the building for the patio area, similar to Landon's patio or Harvest's patio. Mr. King stated that there would be additional glass separating the

patio area to the inside area. On a motion by Commission Member Kuykendall, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Kuykendall asked Staff to address noise concerns. Ms. Strickland stated that the City has a strict noise ordinance to take appropriate measures. Commission Member Haeckler asked if there would be a special permit required for outdoor seating in the back parking lot. Ms. Strickland stated that if they decided to have any additional outdoor seating, then they would need to update the Specific Use Permit (SUP) accordingly. She stated that the current Specific Use Permit (SUP) being presented would only allow seating in the proposed outdoor patio and indoor uses shown on the attached layout. Mr. Makoujy stated that location would not be a seating area. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the exhibit would need to be updated if they want to add additional outdoor seating to the Specific Use Permit (SUP). Commission Member Taylor asked if they would have live music at the site. Mr. Makoujy stated that they may have some live music for atmosphere. He stated that at the Georgetown location they have a performer that plays the piano and another performer that plays an acoustic guitar. Commission Member Kuykendall asked Staff to provide the noise ordinance information to the adjacent resident, so they knew how to address a possible noise concern. On a motion by Commission Member Kuykendall, seconded by Commission Member Haeckler, the Commission unanimously voted to approve the specific use permit as recommended by Staff, with a vote of 7-0-0. The recommendation of the Planning & Zoning Commission will be forwarded to City Council for final actions at the September 7, 2021 meeting.

21-0046Z2 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 "PD" - Planned

Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Uses and Development Standards, Located on the South Side of U.S. Highway 380 (University Drive) and approximately 500 Feet East of Custer Road. Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 51.45 acres of land, generally for commercial and multi-family residential uses. Ms. Strickland stated that Tract 1 is approximately 33.85 acres and would be rezoned to "C3" – Regional Commercial District, with additional commercial outdoor amusement to be permitted by right on the property. She stated that Tract 2 would be rezoned to "C3" – Regional Commercial District, with "MF3" – Multiple Family Residential Medium-High Density District to be allowed in the back. Ms. Strickland stated that the applicant is proposing to develop approximately 28 units per acre maximum and not to exceed 420 units. She stated that the building height would not exceed three stories or 45'. Ms. Strickland stated that Staff is of the opinion that the proposed rezoning request will create a quality commercial destination development. She stated that Staff worked with the developer to combine Tract 1 and Tract 2 by a commercial parkway with an open space that will allow the commercial and multi-family to integrate. Ms. Strickland stated that 65% of the tract would remain commercial with the proposed rezoning. She stated that there is some floodplain area that allows for an additional buffer between the proposed multi-family tract and the adjacent residential development. Ms. Strickland stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Commission Member Haeckler asked about the location of the floodplain boundary. Ms. Strickland shows the location of the floodplain on the overhead projector. She stated that they will go through any floodplain reclamation or an updated Letter of Map Amendment and/or Letter of Map Revision –

Based on Fill Process in that area if they want to develop there. Ms. Strickland stated that if they do not want to develop there, then the floodplain area would not be affected. She stated that the floodplain is currently a Section 404 permit with the Army Corp of Engineers and designed for full buildout of this area. Ms. Strickland stated that the floodplain area has already been studied and they intended for this tract to be developed. She stated that they would not be touching any of the floodplain area located on the southern property. Commission Member McCall asked for the distance between the proposed development and the adjacent residential development. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the distance is approximately 200' – 250'. Commission Member Haeckler asked if they were proposing additional living screening be planted along the southern property line. Ms. Strickland said yes, to add to the greenbelt feel along the southern portion of the property. Mr. Bob Roeder; Abernathy, Roeder, Boyd, & Hullett, P.C., 1700 Redbud Boulevard, McKinney, TX, explained the proposed rezoning request. He stated that the City of McKinney identified this property as a prime location for stimulation to create a lot of sales tax revenue. Mr. Roeder stated that due to the depth of this tract, it is highly unlikely that it would fully develop as commercial all the way to the south. He stated that they feel it is important to have people living nearby to support the proposed commercial development and activities on the site. Mr. Roeder stated that they have proposed no more than 420 multi-family units. He stated that it would probably end up being a mixture of two- and three-story buildings. Mr. Roeder stated that they were abiding by the City of McKinney's screening requirements along the southern portion of the property with a proposed living screen, instead of a 6' wall that would create a barrier. He stated that they will not be able to pull a residential building permit until there are at least three commercial structures underway at the site. Mr. Roeder stated that

they would not be able to occupy any residential structure until at they have temporary certificates of occupancy for at least two restaurants and a commercial endeavor and have the greenspace that stitches the commercial and residential tracts together. He stated that they held a meeting with the Stonebridge Homeowner's Association (HOA) to discuss the proposed development. Mr. Roeder stated that there were approximately 50 residents to the south of the subject property in attendance. He stated that the proposed venue would not be a loud outdoor thing. Mr. Roeder stated that it would be family oriented. He stated that they were proposing private streets for access to the southern portion of the property. Mr. Roeder stated that this allowed them to reduce the spacing of the trees along the common property line between the commercial to the north and the residential to the south. He offered to answer questions and requested a favorable recommendation. Vice-Chairman Mantzey asked if the subject property was located within Stonebridge Ranch. Mr. Roeder stated that it was not located within Stonebridge Ranch. Commission Member Kuykendall asked if the Stonebridge Ranch Homeowner's Association (HOA) was in support of the request or if they just had a lot of questions regarding the proposed development. Mr. Roeder stated that there were a lot of questions that they answered. He stated that generally they were in support of the development of the tract. Mr. Roeder stated that they preferred two-story instead of three-story multi-family buildings. He stated that they need enough residential units to be able afford to develop it. Commission Member Kuykendall asked if they opposed multi-family being developed. Mr. Roeder stated that he did not hear any opposition to multi-family being developed there. Chairman Cox opened the public hearing and called for comments. Mr. Andrew Stock, 1505 Country Walk Drive, McKinney, TX, stated that he learned about the request this morning while speaking with neighbors. He acknowledged that there could have

been a meeting with the Stonebridge Ranch Homeowner's Association (HOA). Mr. Stock stated that there are concerns regarding developing a 400+ multi-family development near them. He stated that they decided to move to McKinney approximately 2 ½ years ago due to how McKinney is blended with nature. Mr. Stock stated that people in Stonebridge Ranch do not feel that they had input and representation that they would have liked. Mr. Stock expressed concerns regarding noise pollution and increased traffic. Mr. Brian de la Houssaye, 8508 Grand Haven Lane, McKinney, TX, stated that Stonebridge Ranch residents have concerns regarding privacy issues and the future of the wildlife and waterway preservation. Mr. John Fenter, 8512 Grand Haven Lane, McKinney, TX, stated that he moved here 15 years ago. He stated that it is almost a wildlife refuge area and is pristine. Mr. Fenter stated that the residents that would live behind the proposed development did not attend the meeting held with the Stonebridge Ranch Homeowner's Association (HOA); therefore, their concerns were not addressed. He expressed concerns regarding ingress and egress to their property from the subject property, wildlife refuge destroyed, water shed off the subject property, increased traffic, and need for additional study. Mr. Greg Remus, 8505 Grand Haven Lane, McKinney, TX, stated that he had not received communication regarding the proposed development. He stated that there was a rumor that the developer plans to build paths connecting into their sidewalks and amenities. Mr. Remus expressed concerns that the residents on the subject property would not be paying towards access and keeping up of their amenities, increased crime, and children's safety. He felt that the developer needs to hold another discussion with the adjacent property owners to address their concerns. On a motion by Commission Member Haeckler, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Doak asked about the

retention ponds. Ms. Strickland stated that they were all studied and platted floodplain located within Stonebridge Ranch Homeowner's Association (HOA). She stated that the subject property was not part of the greenbelt area. Commission Member Doak stated that the developer could not go in to remove any trees in the greenbelt, since they do not own the property. Ms. Strickland stated that was correct. She stated that they have not heard of any Stonebridge Ranch integration of this project. Vice-Chairman Mantzey asked about the concept plan that was previous approved for the property. Ms. Strickland stated that the approved concept plan could have allowed for the entire tract to be developed as commercial. Commission Member Haeckler reiterated that the developer could not touch the floodplain area due to it not being on their property. Ms. Strickland stated that was correct. Chairman Cox asked if Staff has seen a layout or plan showing a path to the southern property. Ms. Strickland stated that she had not seen any pathways connecting to the southern property. She stated that the only mention of open space was combining Tract 1 and Tract 2 of this parcel. Commission Member Kuykendall asked why Staff is okay with the proposed modifications to the site. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the applicant is requesting to rezone the property to allow for some multi-family uses. She explained why they were requesting to rezone to a "PD" – Planned Development District instead of one of the current multi-family zoning districts within the Zoning Ordinance. Ms. Arnold stated that the subject property is bounded by large floodplain and open spaces along the perimeter of the property. She stated that a lot of requirements for multi-family relate to screening and buffering requirements. Ms. Arnold stated that the floodplain is a protected, dedicated area with common areas is providing some of those buffers and screening. She stated that is why Staff does not have any opposition to the request. Commission Member Kuykendall asked about

the proposed parking for the site. Ms. Arnold stated that the City's Zoning Ordinance allows for a reduction of the percentage of enclosed parking spaces for a multi-family development to have 30% enclosed parking and the remaining 20% would have carport parking. She stated that as long as they meet the 30% / 20% split, then Staff is comfortable that it is meeting the intent of the ordinance. Commission Member McCall asked about the distance between the adjacent single family and proposed multi-family development. Ms. Arnold stated that there is approximately 200' – 250' south of the property line. She stated that there is a 20' landscape buffer requirement. Ms. Arnold stated that the requirement that windows for two-story or higher could not be oriented towards single-family residential within 150' is no longer valid outside of the Historic District due to changes in State Law. Commission Member McCall asked about the location of the entrance to the proposed multi-family development. Mr. Roeder stated that the entrance to the property would primarily be off Custer Road. He stated that there would be a private drive that would separate Tract 1 and Tract 2. Mr. Roeder stated that there would also be entrances coming from Highway 280 (University Drive) that goes to the commercial portion. He stated that they held a meeting with the Stonebridge Ranch Homeowner's Association (HOA) that was advertised on their website. Mr. Roeder stated that there were over 50 people in attendance. He was not sure why some people did not get the invitation while other received it. Mr. Roeder stated that at the meeting they requested that there would be no connection pedestrian or otherwise between the Stonebridge Ranch development and this proposed development. He stated that they do not have the right to provide any, since they could not cross the greenbelt or floodplain area. Mr. Roeder stated that they were proposing to enhance the screening by using a living screen. He stated that they have a minimum of a 20' buffer. Mr. Roeder stated that they proposed planting trees of 30'

centers. He stated that they were trying to recognize the privacy that Stonebridge Ranch wants to retain and develop the subject property. Mr. Roeder stated that they were not proposing any connectivity between the two properties, so nobody should be able to walk down to use the Stonebridge Ranch common area. He stated that this would be a fully self-contained development. Vice-Chairman Mantzey felt that the concept plan on file could bring in more traffic and trash from the retail than the proposed development. He stated that there would be connectivity to the adjacent residents to the south. Vice-Chairman Mantzey stated that he was in support of the proposed rezoning request. He stated that traffic would be directed to the main throughfares and not to Stonebridge Ranch. Vice-Chairman Mantzey stated that the proposed living screen goes with the area. He gave examples of multi-family developments within Stonebridge Ranch that were over two stories. Vice-Chairman Mantzey did not feel that the proposed two- to three-story multi-family development was an issue due to the distance to the adjacent residential properties. He stated that he lives in Stonebridge Ranch and received the invitation to the meeting with the developer to discuss this project; however, he did not attend the meeting. Commission Member Doak concurred with Vice-Chairman Mantzey comments. He stated that there are a lot of three-story developments in Stonebridge Ranch. Commission Member Doak did not feel that the proposed development would infringe on anybody in the adjacent neighborhood. He felt that the proposed development would be a good use of land. Commission Member Doak was in support of the request. Commission Member McCall stated that with the greenbelt and 20' setback requirement that he was comfortable with the proposed three-story multi-family development. Commission Member Haeckler stated that he concurred with a lot of the Vice-Chairman Mantzey's comments. He stated that the developer could not do anything to the floodplain area,

since it is located on the adjacent property. Commission Member Haeckler stated that there are no plans to connect to the floodplain area or trail. He stated that he was in support of the request. Commission Member Kuykendall stated that we are rezoning for a lot of apartments. She stated that we hear a lot of these cases. Commission Member Kuykendall stated that she was not in support of the request. Chairman Cox stated that he was in support of the applicant's request. He stated that they have done an excellent job working with Staff. Chairman Cox stated that it was not a connection or extension of Stonebridge Ranch. He stated that it would be a standalone property with two standalone entrances. Chairman Cox stated that it was a good plan, and he was in support of it. On a motion by Commission Member McCall, seconded by Commission Member Doak, the Commission voted to recommend approval of the proposed rezoning request with the special ordinance provisions listed in the Staff Report as recommended by Staff, with a vote of 6-1-0. Commission Member Kuykendall voted against the motion. The recommendation of the Planning & Zoning Commission will be forwarded to City Council for final actions at the September 7, 2021 meeting.

21-0083Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, to Allow Multi-Family Uses and to Modify the Development Standards, Located on the West Side of Bois D'Arc Road and Approximately 540 Feet South of U.S. Highway 380 (University Drive). Ms. Kaitlin Sheffield, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 15 acres of land, generally for multi-family uses and to modify the development standards. She stated that the proposed rezoning request modifies the height,

density, and parking requirements for multi-family residential uses. Ms. Sheffield stated that with “PD” – Planned Development District requests must provide features to ensure exceptional quality or demonstrate innovation. She stated that the applicant is proposing to increase the required amenities by two to meet this requirement. Ms. Sheffield stated that this proposal aligns with Urban Living placetype designated in the Comprehensive Plan. She stated that the use of multi-family should provide a buffer for lower intense development to the south and the commercial corridor along U.S. Highway 380 (University Drive) and Hardin Boulevard. Ms. Sheffield stated that after the Planning & Zoning Commission meeting packet was published and prior to the start of tonight’s meeting, the applicant indicated to Staff that they would like to modify the development standards to remove the four-story request. She stated that the maximum height would be three-stories. Ms. Sheffield stated that given the modification, Staff recommends approval of the proposed rezoning request and she offered to answer questions. Commission Member McCall inquired about the buffer between the proposed development and the adjacent single family residential properties. Ms. Sheffield stated that the buffer ranges between 115’ – 130’ between the edge of the subject property and the single-family residents to the south. Commission Member asked about the tree on the strip of land between the subject property and the residents to the south. Ms. Sheffield stated that there is one single-family residence located on the property. She stated that if that remains during development, then a buffer and setbacks would be required. Vice-Chairman Mantzey wanted to clarify that the maximum height was three-stories for the entire project. Ms. Sheffield said yes. Mr. Bob Roeder; Abernathy, Roeder, Boyd, & Hullett, P.C., 1700 Redbud Boulevard, McKinney, TX, explained the proposed rezoning request. He stated that this is a fairly flat piece of property and surrounded by commercial uses. Mr. Roeder stated that

they intent to abide by the City's buffering and screening requirements. He stated that they were requesting a modification in the parking requirement to allow for the 30% enclosed parking and 20% covered parking split. Mr. Roeder stated that they were increasing the amenities to meet the enhancement requirement for a "PD" – Planning Development District. He stated that offered to answer questions and requested a favorable recommendation. There were none. Chairman Cox opened the public hearing and called for comments. Ms. Anne Davis, 4024 Angelina Drive, McKinney, TX, felt that the width of the property between her property and the subject property was approximately 20' – 30' and the length of the stripe of land was approximate 115'. She discussed the mowing issues on the strip of land behind her property. Ms. Davis expressed concerns regarding increased traffic and speeding traffic on Bois D'Arc of people trying to bypass U. S. Highway 380 (University Drive). She stated that when she purchased her property that she was told that McKinney Independent School District (MISD) owned the subject property and had plans to build a maintenance facility on it. Ms. Davis stated that they have a really nice greenbelt to the west. She felt that building multi-family at this location would be the wrong decision. Ms. Jamie Davison, 4036 Angelina Drive, McKinney, TX, expressed concerns about overcrowding schools, increased traffic, children's safety, increased crime, lack of privacy, reduced quality of life, reduced property values, and the number of multi-family developments in McKinney. Ms. Tiffany Tesch, 4056 Angelina Drive, McKinney, TX, concurred with the concerns of the previous two speakers. She stated that there is nothing above two-stories in their area, so she did not feel having three-stories was in keeping of the character of their neighborhood. Ms. Tiffany Tesch expressed concerns regarding increased traffic and impact on their property values and taxes. Ms. Debbie Tesch, 4056 Angelina Drive, McKinney, TX, expressed concerns

regarding the density of the proposed multi-family development being a major change from what they initially thought would be developed on the subject property. She concurred with the previous concerns. Mr. Rodney Hutchinson, 4040 Angelina Drive, McKinney, TX, stated that he did not feel that a 130' distance between the proposed development and his property would be enough space. He stated that they were told that McKinney Independence School District (MISD) planned to build a maintenance facility on the subject property; therefore, they thought there would not be any neighbors in their backyard. Mr. Hutchinson stated that the proposed development would have 100's of neighbors and automobiles in their backyards. He concurred with his neighbor's concerns mentioned earlier. Ms. Judy Furlong, 4019 W. University Drive, McKinney, TX, stated that her mother-in-law owned the single-family residence at 5201 Bois D'Arc Road, McKinney, TX. She felt that the strip of land was not very wide. Ms. Furlong expressed concerns with the current traffic on U.S. Highway 380 (University Drive) and the increased traffic from the proposed development. Ms. Jamie Davison stated that they have a written notarized protest with signatures of nine out of the ten property owners within the affected zone and gave it to Ms. Jennifer Arnold, Director of Planning for the City of McKinney. Ms. Arnold stated that written protest forms affect the City Council action. She stated that it would be given to the City Secretary's Office for them to validate the signatures. On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Kuykendall asked Staff to discuss the distance of the proposed development to the adjacent residential property owners. Ms. Sheffield stated that there a little sliver of unclaimed land between the single-family residence and the adjacent residential property owners on Angelina Drive. She stated that there is an existing fence that makes the strip of

land appear to only be approximately 15' in width. Ms. Sheffield stated that the total distance between the subject property and the single-family residents is approximately 130'. Commission Member Kuykendall asked if someone went out to the site to measure it. Ms. Sheffield stated that she measured it numerous times on maps; however, had not measured it on the ground. Vice-Chairman Mantzey explained that there is a single-family lot with a house on it and a chain-link fence. He stated that to the south of it there is a 5' – 10' right-of-way for some powerlines that nobody knows who owns or maintains this thin strip of property. Vice-Chairman Mantzey and Ms. Sheffield explained that the 20' buffer would be contained on the subject property. Ms. Sheffield stated that there would be the 20' buffer, landscaping, screening, and a 45' building setback required on the subject property. She stated that the 115' – 130' was only a reference point between the two developments. Chairman Cox asked Mr. Roeder to address the distance between the two-three adjoining properties. Mr. Roeder stated that he has not measured the distance. He was willing to accept that the distance was between 120' – 150'. Mr. Roeder stated that from the buffer within the development, they were obligated to provide a minimum 6' masonry fence along the property line. He stated that they were obligated to provide a 20' landscaping buffer with canopy trees on 30' centers. Mr. Roeder stated that they also have a 45' building setback requirement off the property line. He stated that he had not seen the concept plan for the proposed development; however, typically there is parking between the landscaping buffer and the multi-family buildings. Mr. Roeder stated that the parking is typically double-sided, so it would be a minimum of 18' deep parking on both sides. He stated that there would also be a minimum of a 24' – 36' fire lane. Commission Member McCall asked how many multi-family units might be built on the subject property. Mr. Roeder stated that they were proposing 28 units per acre. He thought it

might be around 400 units in total. Mr. Roeder stated that Bois D'Arc is an undeveloped road. He stated that they would need to get a traffic impact analysis to determine what improvements need to be done to Bois D'Arc, if any, to support the proposed development during the site plan process. Vice-Chairman Mantzey stated that there had been a lot of residential, retail, and commercial development around the Hardin Road and U.S. Highway 380 (University Drive) area. He stated that McKinney is a fast-growing city and has outpaced the rest of the County in just about everything, not just multi-family developments. Vice-Chairman Mantzey stated that the McKinney Independent School District (MISD) saw the student population decline a couple of years ago that was unpredicted. He stated that the adjacent property owners through the subject property was going to be developed as a bus barn; however, McKinney Independent School District (MISD) has changed their mind about that at this point. Vice-Chairman Mantzey felt apartments would fit the area. He stated that there was a good buffer to the adjacent residential development to the south. Vice-Chairman Mantzey stated that there is commercial to the right. He did not feel that it would be a burden on the school district. Vice-Chairman Mantzey stated that he was in support of the proposed rezoning request. Chairman Cox concurred with Vice-Chairman Mantzey's comments. He stated that the traffic impact analysis would address the concerns of Bois D'Arc Road. Chairman Cox was in support of the proposed rezoning request. Commission Member Kuykendall asked if nine out of the ten residents that might be affected by the proposed development have written in opposition to the proposed rezoning request. Ms. Sheffield stated that she believes that they have signed a written petition. She stated that the signatures still need to be evaluated and to find out the percentage. Commission Member Kuykendall stated that she would be in opposition to the proposed rezoning to support of the nearby residents who were in opposition to the

request. Commission Member Taylor stated that when you consider the width of the property in between the subject property and the residents and then take the buffer, landscape, and 45' setback, then it would measure approximately 200'. He stated that is supported the proposed rezoning request. Commission Member Doak stated that he liked the proposed project. He stated that his biggest concern is the high traffic area. Commission Member Doak stated that he would have liked to have seen something regarding how the traffic would be addressed prior to rezoning the property to multi-family. He stated that he would be in support of the proposed rezoning request. Commission Member McCall questioned if McKinney needs another three-story multi-family development. He stated that the subject property is a buffer between commercial and single-family residential developments. Commission Member McCall stated that something even worse could be proposed for the property if the proposed development is not built here. He stated that Staff is in support of the proposed rezoning request. Commission Member McCall stated that he would also be in support of the proposed rezoning request. On a motion by Commission Member Doak, seconded by Commission Member Taylor, the Commission voted to recommend approval of the proposed rezoning request with the special ordinance provisions listed in the Staff Report as recommended by Staff, with a vote of 6-1-0. Commission Member Kuykendall voted against the motion. The recommendation of the Planning & Zoning Commission will be forwarded to City Council for final actions at the September 7, 2021 meeting.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

PUBLIC COMMENTS REGARDING MATTERS NOT ON THE AGENDA

Chairman Cox called for public comments regarding matters not on the agenda.

There were none.

Chairman Cox called for Commission and Staff comments. There were none.

On a motion by Commission Member McCall, seconded by Commission Member Haeckler, the Commission unanimously voted to adjourn the meeting, with a vote of 7-0-0. There being no further business, Chairman Cox declared the meeting adjourned at 8:05 p.m.

BILL COX
Chairman