

PLANNING AND ZONING COMMISSION

SEPTEMBER 26, 2017

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Jack Hatchell Collin County Administration Building – Commissioners Court – 4th Floor at 2300 Bloomdale Road on Tuesday, September 26, 2017 at 6:08 p.m.

City Council Present: Charlie Philips

Commission Members Present: Chairman Bill Cox, Janet Cobbel, Cam McCall, Brian Mantzey, Pamela Smith, and Mark McReynolds - Alternate

Commission Members Absent: Vice-Chairman Eric Zepp and Deanna Kuykendall

Staff Present: Director of Planning Brian Lockley; Planning Manager Samantha Pickett; Planners Danielle Quintanilla, Melissa Spriegel, and David Soto; and Administrative Assistant Terri Ramey

There were approximately 25 guests present.

Chairman Cox called the meeting to order at 6:08 p.m. after determining a quorum was present.

Chairman Cox continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Commission Member Smith, seconded by Commission Member McCall, to approve the following three Consent items, with a vote of 6-0-0.

17-955 Minutes of the Planning and Zoning Commission Regular Meeting of September 12, 2017

17-237PF Consider/Discuss/Act on a Preliminary-Final Plat for Lot 2R1, Block A, of Collin McKinney Commercial Addition, Located on the Southeast Corner of Collin McKinney Parkway and Piper Glen Road

17-232SP Consider/Discuss/Act on a Site Plan for an Office/Warehouse Building, Located approximately 440 feet East of Redbud Boulevard and on the South Side of Corporate Drive

END OF CONSENT

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

17-219FR Conduct a Public Hearing to Consider/Discuss/Act on a Façade Plan Appeal for a Movie Theater (Cinemark at 380 Commons), Located on the Southwest Corner of

Hardin Boulevard and U.S. Highway 380 (University Drive) (REQUEST TO BE TABLED)

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely due to public notification signs not being posted on the subject property within the timeframe required by the Zoning Ordinance. She offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded by Alternate Commission Member McReynolds, the Commission voted unanimously to close the public hearing and table the proposed facade plan appeal indefinitely as recommended by Staff, with a vote of 6-0-0.

17-136Z 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 Development Standards, Located on the Northwest Corner of Grassmere Lane and U.S. Highway 380 (University Drive)

Mr. Brian Lockley, Director of Planning for the City of McKinney, explained the proposed rezoning request. He stated that this was a request to rezone a portion of the Tucker Hill development. Mr. Lockley stated that this was the office/retail portion that was located at the northwest corner of Grassmere Lane and U.S. Highway 380 (University Drive). He stated that during the development of this property the applicant was approached by several residents requesting a coffee shop or a similar drive-through; however, a specific use permit (SUP) would be required for those types of uses on the property. Mr. Lockley stated that some of the current development standards would also preclude these uses on the property. He stated that this was a small site. Mr. Lockley stated that the applicant indicated that they want to have a small, neighborhood coffee shop or similar use. He stated that the applicant indicated that it would not be big chain and gave examples of Starbucks and Einstein Bros. Bagels. Mr. Lockley stated that it was not that they could not go in there; however, there would be issues with traffic count, visibility, and other conditions that would probably preclude a larger chain locating on the property. He stated that the applicant was proposing to rezone a portion of the property to a "PD" – Planning Development District to allow for drive-through facilities and modify

the stacking requirements for drive-through facilities within the development standards. Mr. Lockley stated that the requirement for the facility to not have a menu board or to be able to order from the window would stay in place. He stated that the space for the number vehicles that would stack in the drive-through lane would be reduced from five to two vehicles. Mr. Lockley stated that the applicant was wanting to adjust some of the parking requirements to allow for a drive-up tower with a face-to-face video interaction to be located in the parking lot to allow for a bank to be located on the site. He stated that the bank would not have an official drive-through at this location. Mr. Lockley stated that the applicant wants to increase the amount of landscaping that sounds it to buffer some of the surrounding areas. He stated that the design elements and architectural features in the pattern book and most of the standards would remain the same. Mr. Lockley stated that this proposed rezoning request was mostly addressing the allowable uses and the development standards for the proposed uses on the property. He offered to answer questions.

Commission Member McCall asked about the parking spaces. Mr. Lockley stated that the parking spaces would not change. He stated that they would have adequate parking.

Commission Member Mantzey asked if there were any concerns about the new uses generating traffic off of U.S. Highway 380 (University Drive). Mr. Lockley stated that the question did come up during the review. He stated that they should have adequate parking and stacking for those uses. Mr. Lockley stated that if traffic did become an issue then the use would also be impacted.

Commission Member Mantzey wanted to clarify that there would not be a safety factor with traffic possibly backup up onto U.S. Highway 380 (University Drive) or in to the Tucker Hill development. Mr. Lockley stated that there was a considerable amount of area between the subject property and the Tucker Hill Subdivision, so there should not be an issue with traffic backing up in that development.

The applicant was not present to make a presentation.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Mantzey, seconded by Commission Member

Smith, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommend by Staff, with a vote of 6-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 17, 2017.

Chairman Cox stepped down on the following item # 17-032SUP due to a possible conflict of interest. Commission Member Mantzey continued the meeting.

17-032SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for Auto Parts Sales and Service (Omar's Wheels and Tires), Located at 1605 South McDonald Street

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed specific use permit. She stated that the applicant was requesting a specific use permit to allow auto parts sales and service (Omar's Wheels and Tires) located at 1605 South McDonald Street. Ms. Spriegel stated that Staff received a letter of opposition that was distributed to the Planning and Zoning Commission prior to the meeting today. She stated that the subject property is zoned "C3" – Regional Commercial District which allows for auto parts sales and service through the approval of a specific use permit (SUP). Ms. Spriegel stated that the specific use permit (SUP) requires additional consideration for specific uses to determine their appropriateness for the subject property and must be approved by the Planning and Zoning Commission and City Council. She stated that Staff had evaluated the request and feels that the site is not appropriate for the proposed auto parts sales and service use, as it will not remain compatible with the surrounding single family residential uses located to the north and east of the subject property. Ms. Spriegel stated that when City Council adopted the new districts, many auto-heavy uses were permitted in industrial districts only, and made specific use permits (SUPs) in commercial districts so the sites could be evaluated on a case-by-case basis. Ms. Spriegel stated that Staff had additional concerns that the approval of this use could contribute to an overconcentration of similar automotive uses along State Highway 5 (McDonald Street), which would discourage an optimal development pattern of existing and future residential, retail, office, and community uses as envisioned in the State Highway 5 Corridor Study. She stated that within a one-mile radius of the subject property, there are currently eighteen similar automotive-related

businesses operating along State Highway 5 (McDonald Street). Ms. Spriegel stated that these businesses include uses such as tire sales and installation, auto glass installation, auto body/repair, and car sales. She stated that the State Highway 5 Corridor Study designates this area as an Urban Transition Zone, which serves as a transition from a suburban character to the urban center. Ms. Spriegel stated that the preferred land uses in this zone include a mix of residential housing types with both neighborhood and regional office and commercial uses, as well as significant amounts of community facilities. She stated that Staff is of the professional opinion that the auto parts sales and service use would not remain compatible with existing and future surrounding land uses, and as such, Staff recommends denial of the proposed specific use permit. Ms. Spriegel offered to answer questions.

Alternate Commission Member McReynolds asked what type of things would be required at the site for this type of use at this point. He gave the example of landscape requirements. Ms. Spriegel stated that the applicant would be required to stripe parking spaces, add terminus islands with canopy trees at the end of each parking row, install a dumpster with a seven foot screening wall with evergreen shrubs, and install a screening wall and 10-foot landscape buffer with canopy trees along the property lines where they are adjacent to residential uses. She stated that these items are shown on the specific use permit exhibit. Ms. Spriegel stated that since there is an existing building on the property, some items that were required for new construction were not required for this site.

Commission Member Cobbel asked if these items were tied to the specific use permit (SUP) or the certificate of occupancy (CO). Ms. Spriegel stated that these requirements would be finalized during the site plan process; however, they were required to be shown with the specific use permit (SUP) to show that it could work.

Commission Member Cobbel stated that she would have liked to have seen a list of allowable uses under the current zoning and a list of what uses require a specific use permit (SUP) included in the Staff Report.

Mr. Amr Abdelaty, Omar's Wheels and Tires, 106 E. University Drive, McKinney, TX, explained the proposed specific use permit. He stated that he was an owner of the Omar's Wheels and Tires on University Drive (U.S. Highway 380) in McKinney, TX. Mr.

Abdelaty stated that he was looking forward to opening a second location in McKinney. He stated that they were going to resurface the asphalt in the parking lot on the subject property. Mr. Abdelaty stated that they were the only place in McKinney that sold and installed custom wheels and tires. He stated that the current location sold \$1,500,000 in sales. Mr. Abdelaty stated that the business would look nice inside and out. He stated that there is no mechanical work done. Mr. Abdelaty stated that they plan to spend approximately \$90,000 to refurbish the site. He stated that they plan to stay and grow their business there. Mr. Abdelaty asked for a favorable recommendation.

Commission Member McCall wanted to clarify that this would be a second location and they were not just relocating the business to a new location. Mr. Abdelaty stated that there would be two locations in McKinney. He stated that they were very busy at their current location and need another location.

Commission Member Smith asked how long they had been at the University site. Mr. Abdelaty said two years.

Alternate Commission Member McReynolds asked if the University site was a remodel or new property. Mr. Abdelaty said it was a remodel. He stated that it was located at the corner of U.S. Highway 380 (University Drive) and Tennessee Street.

Alternate Commission Member McReynolds asked what type of changes were needed on the current building on the subject property. Mr. Abdelaty stated that they will have wheels on display. He stated that there was a lot of wood on the interior at this location that he would like to stain darker. Mr. Abdelaty stated that he plans to redo the floors, repaint the building, asphalt the parking lot, add landscaping, add an LED sign in the front, and add the required screening. Alternate Commission Member McReynolds asked if they were installing lighting for the property. Mr. Abdelaty stated that he had not been told about any lighting being required as of yet.

Commission Member Cobbel asked if their business sold custom tires and wheels, unlike a Discount Tire store. Mr. Abdelaty stated that the current location does lift kits for trucks. He stated that if this second location opens, he could send customers down the street to the first location if they are interested in a lift kit.

Commission Member Cobbel wanted to clarify that they would not be doing oil changes, automobile repair work, or other similar services. Mr. Abdelaty said no.

Commission Member Cobbel asked if they would be installing tires and wheels. Mr. Abdelaty said yes.

Commission Member Cobbel asked the applicant if he would be okay with removing certain uses allowed in the specific use permit (SUP) to limit the uses to what he had mentioned they would be doing at this site. She gave examples of removing oil changes and auto repair uses. Mr. Abdelaty stated that he would not have an issue with it.

Commission Member Smith asked what other things they would be doing at this site other than selling and installing tires and wheels. Mr. Abdelaty stated that they would be doing alignments.

Commission Member McCall wanted to clarify that they would not be doing the lift kits at this second location. Mr. Abdelaty stated that since they could be done at the first location on University that he did not mind agreeing not to do them at this second location. He stated that he could send the customers down to the other shop.

Commission Member Mantzey asked if they had any need for overnight parking at the property. Mr. Abdelaty stated that there would be one bay at this location. He stated that they could store two vehicles indoors, if necessary. Mr. Abdelaty stated that typically there would be no need for vehicles to stay overnight at their business.

Commission Member Mantzey opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission voted to close the public hearing, with a vote of 5-0-1. Chairman Cox abstained.

Alternate Commission Member McReynolds asked Staff if lighting would be required on the property. Ms. Spriegel stated that there would be lighting requirements that must be followed. She stated that would be detailed on the building plans.

Commission Member McCall asked if the adjoining neighbors were contacted about the proposed specific use permit. Ms. Spriegel said yes and that they had been sent notices.

Commission Member Cobbel asked Staff for their thoughts on limiting the uses allowed on the property. Mr. Lockley stated that if the Planning and Zoning Commission desires to refine the specific use permit (SUP) then we need to define what uses would

be allowed on the property. He questioned if there would be anything stored in the rear of the property, adjacent to the residential neighbors.

Alternate Commission Member McReynolds asked if any of the Commissioners had an issue with them installing the lift kits at this site. Commission Member Cobbel stated that it would take away from the available bays.

Commission Member McCall asked if this would be going on to City Council for final approval. Ms. Spriegel said yes.

Commission Member Smith stated that she appreciated Staff's comments. She stated that the adjacent neighborhood did not voice any concerns about the request. Commission Member Smith stated that she liked the fact the applicant was already invested in McKinney. She stated that she was okay with the uses that the applicant stated they would do at this location; however, she would like to limit other uses on the specific use permit. Commission Member Smith stated that she would have liked to have seen a list of the allowable uses by right and which uses would need a specific use permit (SUP) on the property. She stated that it is extra work for Staff; however, it would be helpful.

Commission Member McCall stated that he would support this request with the stipulation that only the uses the applicant mentioned would be allowed.

Mr. Lockley stated that a motion in favor of the specific use permit (SUP) should state that it would be for the sale and installation of tires and wheels, alignments, and lift kits. Commission Member Mantzey asked that they include no outside overnight parking be allowed. He also suggested including language to address the concern about what would be stored towards the rear of the property.

Commission Member Cobbel wanted to clarify that the specific use permit was tied to the property or the business. Mr. Lockley stated that it stays with the property.

Alternate Commission Member McReynolds asked if there were ever any instances where a vehicle needed to stay overnight at the current business. Mr. Abdelaty stated that they had a situation about three months ago where the studs broke off and they had to keep the vehicle overnight inside the building.

Commission Member Mantzey asked the applicant if they store items in the rear of the property. Mr. Abdelaty said no.

Commission Member Cobbel asked the applicant if he was okay with limiting the specific use permit (SUP). Mr. Abdelaty said yes. He stated that they do not do oil changes or repair vehicles.

Alternate Commission Member McReynolds felt that the proposed improvements mentioned for the subject property would be a positive thing. He liked the fact that they already have another location in McKinney and are seeking to expand their business. Alternate Commission Member McReynolds stated that he agreed with stipulating the uses on the specific use permit as mentioned earlier.

Commission Member Mantzey stated that State Highway 5 (McDonald Street) would develop from the core of Downtown McKinney outward. He stated that it was a remodel of an existing building and not a new building.

Commission Member Cobbel stated that she was happy that the property being used.

On a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission voted to recommend approval of the specific use permit as requested by the applicant with restricting the uses to limit Omar's Wheels and Tires to custom wheel and tire sales, installation, alignments, and lift kits and not allow any outside overnight parking or any outside storage in the rear of the property, with a vote of 5-0-1. Chairman Cox abstained.

Commission Member Mantzey stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 17, 2017.

Chairman Cox returned to the meeting.

17-244Z 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 Allow Commercial, Single Family Attached Residential and Multi-Family Residential Uses, Located on the Southwest Corner of Eldorado Parkway and Stonebridge Drive

Ms. Melissa Spriegel, Planner for the City of McKinney, distributed a letter of opposition to the request before explaining the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 37.36 acres of land from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow

commercial, single family attached residential, and multi-family residential uses. Ms. Spriegel stated that the proposed rezoning request adds additional uses to the proposed base zoning district of "C2" – Local Commercial District and modifies the development standards. She stated that Staff has significant concerns with the proposed rezoning request moving forward as the proposed development regulations have multiple issues. Ms. Spriegel stated that while Staff feels the majority of the issues could be resolved with time, the applicant has indicated they are on an extremely aggressive timeline, and as such, has chosen to continue moving forward despite Staff's outstanding comments. She stated that the Zoning Ordinance requires that a level of exceptional quality or innovation for the associated design or development be provided. Ms. Spriegel stated that the applicant has indicated to Staff that this will be achieved by providing stone monumentation and complementary stone on the buildings. She stated that the stone monumentation and masonry finishing materials on the buildings are required per the Zoning Ordinance and not unique to the proposed development. Ms. Spriegel stated that more specific standards should be provided with regards to unifying the overall development in order to meet the requirements of the PD provision. She stated that the exhibit provided by the applicant does not include metes and bounds description or scaled exhibit of the two tracts separating the commercial-only portion of the development from the interior of the property that allows for residential uses. Ms. Spriegel stated that the proposed exhibit conflicts with the proposed development regulations regarding a depth of 225' from Eldorado Parkway, as the exhibit shows additional depth provided at the intersection of Eldorado and Stonebridge. She stated that given the outstanding comments, Staff recommends denial of the proposed rezoning request. Ms. Spriegel stated that the applicant had submitted new revisions, for which Staff still has outstanding comments. She stated that those comments were sent back to the applicant on Monday, September 25th. Ms. Spriegel stated that the recommendation of denial is based off of the 4th submittal and not the most recent, 5th submittal. She offered to answer questions. There were none.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the rezoning request. He stated that he felt there were only a couple of issues remaining and that they were on a very tight timeline. Mr. Roeder

complemented Staff for working with them on this request. He stated that the subject property has been vacant for a number of years due to the zoning on the property requiring the entire property to be developed for non-residential uses. Mr. Roeder stated that the surrounding uses are big campus uses. He stated that he did not feel that there was a market to develop the property 100% commercial. Mr. Roeder stated that they do not see the subject property developing as a campus-style property. He stated that they proposed the southwest corner of Eldorado Parkway and Stonebridge Drive, with a depth of 225', to be developed as commercial. Mr. Roeder stated that Staff wants a legal description for each tract. He stated that if the legal description was submitted that Staff would still want to see where the line was on an exhibit instead of reading the whole legal description for Tract 1 and Tract 2. Mr. Roeder stated that he felt that was an enforcement interpretation issue. He felt that the exhibit that they had submitted does that. Mr. Roeder stated that the 5th submittal agreed to all of the setbacks. He stated that the City's Zoning Ordinance was pretty weak and old. Mr. Roeder stated that there are very few straight zoning classifications that would fit today's development environment, which forces applicants to request a "PD" – Planned Development District. Mr. Roeder stated that then an exceptional quality standard is imposed. He questioned who measures exceptional quality. Mr. Roeder stated that the City of McKinney already has a very high development standard for multi-family and townhome developments. He stated that they proposed that all of the commercial development be uniform; however, he could not give specifics at this time. Mr. Roeder stated that they were willing to increase the masonry standard from the 50% requirement to 80% on all of the commercial buildings. He stated that the signage along the frontage of Eldorado Parkway and Stonebridge Drive would be uniform. Mr. Roeder stated that there would be a stone base on all of the light poles. He stated that going from 50% to 80% masonry on all of the commercial development on the subject property should qualify as exceptional quality. Mr. Roeder requested a favorable recommendation and offered to answer questions.

Commission Member Smith asked about Staff's comments regarding the unity in the overall development. Mr. Roeder stated that he was not sure that he knew what that meant. He stated that they were willing to make the same development standards for all

of the commercial uses on the property. Mr. Roeder stated that a multi-family building would probably not look like a commercial building on the property.

Commission Member Mantzey asked if they had any discussion with the neighboring businesses. Mr. Roeder stated that Experian was selling the property. He stated that they were very much in favor of the request. Mr. Roeder stated that he had not had any discussions with Torchmark Corporation or United American Insurance Company.

Commission Member McCall asked if it was primarily a timing issue. Mr. Roeder said yes.

Chairman Cox opened the public hearing and called for comments.

Mr. Russell Tieman, Vice-President of Facilities for Experian, 475 Anton Boulevard, Costa Mesa, CA, stated that he purchased the property approximately 20 years ago with the intent to build a campus on the site. He stated that was no longer planned for the property; therefore, they were trying to sell the property. Mr. Tieman stated that approximately six months ago there had been an application submitted on their 18 acres of property that was denied. He stated that the current applicant was under contract with two parcels to combine them for a nice development. Mr. Tieman stated that he felt the applicant would meet all of the City's requirements when the development plan is finalized. He stated that he needed to close this deal by the end of March, which was their fiscal year. Mr. Tieman stated that the end of their half-fiscal year is coming up on Friday, September 29th. He stated that he was the reason for the rush.

On a motion by Commission Member Mantzey, seconded by Alternate Commission Member McReynolds, the Commission unanimously approved the motion to close the public hearing, with a vote of 6-0-0.

Alternate Commission Member McReynolds stated that he felt the holdup is that Staff does not know what the applicant wants to do on the property and the applicant does not know either until they have a client that is interested in building on the property. He stated that there are requirements that they have to go through in constructing and designing the development.

Commission Member Mantzey stated that it is a rezoning case that is not "AG" – Agricultural District. He stated that he was concerned that there was a major employer

across the road from this site. Commission Member Mantzey stated that there are issues of putting unknown residential next to them, marketability, access, a large development being rushed through the Planning process, and that Staff feels that they have not received what they need to make a decision. He stated that he would love to see the land develop. Commission Member Mantzey stated that he was concerned about rushing Staff in such a large development.

Alternate Commission Member McReynolds stated that he did not like the logistics on it. He stated that Staff said earlier that they work on approximately 120 reviews per month. Alternate Commission Member McReynolds stated that was a lot to expect of a dedicated group of people, to put other projects aside to rush this one project through. He stated that he was in favor of the proposed rezoning request.

Commission Member Cobbel stated that she concurred with Alternate Commission Member McReynolds comments. She stated that she liked the proposed mixed use and that it was along some of the larger corporations that would need townhouses and multi-family units. Commission Member Cobbel stated that they were adding commercial development that would help appease everyone. She stated that it would potentially be a live, work, and play opportunity. Commission Member Cobbel stated that for what they would be paying for this piece of property, it would be a quality development. She stated that she understood Staff's and the applicant's concerns about what quality means.

Alternate Commission Member McReynolds stated that the applicant still had to go through all of the other procedures prior to developing the property.

Commission Member Cobbel stated that right now they were only considering allowing commercial, townhouse, and multi-family uses and separating out where the commercial will be located on the property. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that was one issue. He stated that the language in the submitted ordinance would require that the frontage along Stonebridge Drive be commercial uses. Mr. Lockley stated that he did not believe that the language submitted defines the area shown in the exhibit. Commission Member Cobbel asked if the commercial portion of the property would just be 225' along the frontage of Stonebridge Drive. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that it varied between revisions that the applicant had submitted to the City. She stated that

other departments have comments on the revisions that were submitted and they were not present at the meeting to discuss those so that they could be included in the motion. Ms. Pickett stated that she felt that Staff and the applicant would be able to come to an agreement. She stated that Staff did not want to dictate what their specific design will be, but did want everything clearly laid out prior to drafting the ordinance. She stated that Staff wants to see clear, concise language that anybody could understand.

Commission Member Smith asked how close Staff and the applicant were to coming to an agreement. Ms. Pickett stated that based on the applicant's response at this meeting it sounds like we are pretty close. She stated that the applicant agreed with most of the smaller Staff comments and he had made some suggestions during the meeting. Commission Member Smith asked for a list of things that the applicant mentioned tonight that would bring it closer. Ms. Pickett stated that the space limit changes setting minimums instead of maximums, a minimum of 80% masonry on the commercial buildings, uniform design on the commercial buildings, stone bases on the light poles, and consistent signage throughout the development. She stated that was the "PD" – Planned Development District language that was discussed during this meeting.

Commission Member Cobbel asked what Staff felt was missing. Ms. Pickett stated that Staff only has two days to get this cleaned up prior to going to City Council. She stated that rushing this case through keeps it from being thoroughly reviewed, risks errors, and takes time away from other cases.

Commission Member Smith asked about the other cases. Ms. Pickett stated that Staff has specific review deadlines that must be met on each case.

Commission Member Mantzey questioned rushing a 37-acre development that will be permanently in place to meet someone's quarterly financial report. Mr. Roeder stated that they did not have control over it, the seller does.

Chairman Cox stated that we have seen this property before. He stated that this area is highly regulated. He stated that it had been tough to get the property to where it is now. Chairman Cox stated that Staff had worked hard and he felt that Staff and the applicant were close to working the issues out. He stated that the timing is what it is. Chairman Cox stated that he supports the applicant in this rezoning request. He stated

that there are still outstanding questions; however, he felt a lot of people were pulling in the same direction for this property.

Commission Member Cobbel asked if the rezoning request was just to lay out where the commercial and residential uses would be located. Mr. Lockley stated that the uses were fixed. He stated that the commercial could be located in Tract 1 or Tract 2 and that the residential uses were limited to Tract 2.

Commission Member Cobbel asked if the issue was determining whether or not the building materials would be of exceptional quality. Mr. Lockley stated that determining whether or not we could enforce the minimum standards and exceptional quality was an issue.

Commission Member Cobbel asked whether or not Staff felt that 80% masonry on the exterior of the commercial uses would be considered exceptional quality. Mr. Lockley stated that he did feel 80% would be exceptional quality and this was the first time he had heard the applicant offer that amount of masonry. He stated that stone on the signage was already a requirement, so that would not be of exceptional quality. Mr. Lockley questioned what the applicant meant with the uniformity of the signage on the property. He asked if it was the design or size of the sign, and stated that is the type of clarity needed for the proposed request.

Commission Member Smith asked if Staff had an issue with the proposed uses for the property. Ms. Spriegel said no.

Commission Members Cobbel and Smith asked Mr. Roeder to restate the additional items that they were offering to do to meet the exceptional quality regulation. Mr. Roeder stated that the most significant issue was Staff wanting a legal description of Tract 1 and Tract 2. He stated that would be quite an undertaking. Mr. Roeder stated that they preferred to submit an exhibit showing the location of Tract 1 and Tract 2 instead of submitting legal descriptions. He felt the exhibit would be enforceable and easy to understand. Mr. Roeder stated that they offered to have 80% masonry on the commercial buildings, uniform signage, stone on the base of the light poles, and five-foot minimum side and rear yard setbacks on the multi-family development.

Commission Member Smith asked if there was anything else that needed to be addressed. Mr. Roeder stated that he was unaware of anything else that needed to be

addressed. Mr. Lockley stated that Planning Staff could not approve the lighting. He stated that the Engineering Staff would need to make a decision on it. Ms. Pickett stated that it would need to be contingent upon Engineering's review and approval. Mr. Roeder was fine with adding that to the motion. He asked if the 80% masonry component could be enough to qualify for the exceptional quality requirement. Mr. Roeder stated that this would be a high quality development.

Commission Member Smith stated that she understands Staff's frustration. She concurred with some of Commission Member Mantzey's concerns mentioned earlier. Commission Member Smith stated that it was clear that the applicant was on a timeline, like it or not. She stated that this request was going before City Council whether or not the Planning and Zoning Commission recommended it for approval. Commission Member Smith stated that we need to get as close as possible to what Staff is requesting for the request. She stated that there will probably be more discussions on this prior to the City Council meeting.

Commission Member Mantzey stated that the applicant's team and Staff have already put in a lot of hours trying to rush this request through. He stated that most likely it will be a wonderful development. Commission Member Mantzey did not like a seller holding hostage the Planning process and possibly setting a precedent for future development setting timetables on things. He stated that it was an interruption to the process. Commission Member Mantzey commented on how long it had taken to come to a possible motion for this request. He stated that he appreciated the applicant's effort; however, he could not let sellers do this to the process. Mr. Roeder stated that Staff had gone out of their way to work with them on this request. He stated that they were going in the same direction.

Commission Member Smith wanted to verify that the motion has everything that Staff noted during the meeting. Ms. Pickett stated that it has everything that she wrote down; however, she could not guarantee that covers everything that was included in the 5th Redlines that Staff just sent to the applicant yesterday. Mr. Lockley stated that whatever is included in the motion at this meeting would be what would go forward to City Council. He stated that if there were other issues listed on the 5th Redlines, then it would not be contained in the motion. Ms. Pickett stated that Staff had not received comments

back from the applicant on the 5th Redlines as of yet. She stated that the motion tonight was based on the 4th submittal.

Commission Member Cobbel asked if new items agreed upon with the 5th submittal could be brought before City Council for consideration. Ms. Pickett stated that could be done if the applicant is in agreement.

Commission Member Cobbel asked if the 80% masonry on commercial buildings was part of the 5th submittal. Ms. Pickett stated that the Planning and Zoning Commission agenda was finished on Friday, September 22nd in order to meet noticing deadlines. She stated that the 5th submittal came in on Friday morning, so Staff did not have time to review those and adjust the Staff Report for this item. Ms. Pickett stated that Staff decided to distribute copies of the 5th submittal for informational purposes only.

Commission Member Smith stated that this was a unique situation and not normally how a similar case would be handled. She stated that it is what it is at this point.

On a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission voted to recommend approval per the applicant's request along with the requirement that they provide a minimum of 80% masonry on the commercial buildings; have unified signage for the entire development; the lighting base be a stone material contingent upon the City of McKinney Engineering Department's review and approval; instead of maximum side yard setbacks on the multi-family there would be minimum side yard setbacks; and set the Tract 1 location from the Southwest corner of Eldorado Parkway and Stonebridge Drive to come down approximately 300 feet south, cut over approximately 225 feet west, cut up approximately 75 feet north, and then be 225 feet deep off of Eldorado Parkway to the property line; with a vote of 4-2-0. Commission Members Mantzey and Smith voted against the motion.

Chairman Cox stated that a favorable recommendation by the Planning and Zoning Commission will be forwarded to the City Council meeting on October 3, 2017.

17-212SP Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Medical Office Building (McKinney Dental), Located on the Southeast Corner of Highlands Drive and Lake Forest Drive

Ms. Danielle Quintanilla, Planner for the City of McKinney, explained the proposed site plan request. She stated that the applicant proposed to construct an approximately

8,300 square foot medical office building. Ms. Quintanilla stated that typically site plans could be approved by Staff; however, the applicant is requesting approval of an alternate screening device to screen the proposed medical office building from the adjacent residential uses located east of the subject property. She stated that per Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance, an alternate or equivalent screening device could be requested. Ms. Quintanilla stated that the applicant was proposing to have a total of seventeen 12-foot tall Eastern Red Cedars, located within the 10-foot landscape buffer between the required canopy trees that are planted one per 40 linear feet. She stated that the eastern property line is currently located within the existing pond. Ms. Quintanilla stated that the required trees and screening would be located west of the pond within an erosion hazard setback. She stated that given that the property line is located within an existing pond, and the difficulty to construct a screening wall adjacent to or within the erosion hazard setback, Ms. Quintanilla stated that it was Staff's professional opinion that the proposed alternate screening device would serve as adequate screening between the uses. She stated that Staff had no objections to the applicant's request and recommended approval as conditioned in the Staff Report. Ms. Quintanilla offered to answer questions. There were none.

Mr. Kelly Gomez, KRG Civil Engineers, 1700 Redbud Boulevard, McKinney, TX, briefly explained the proposed site plan request and concurred with the Staff Report.

Commission Member Smith stated that she would absolutely describe this as having a unique circumstance that justified the variance request. She stated that she was in favor of the request.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Mantzey, seconded Commission Member McCall, the Commission unanimously voted to close the public hearing and approve the proposed site plan as conditioned in the Staff Report, with a vote of 6-0-0.

17-154SP2 Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for an Office and Industrial Building (McKinney Industrial), Located on the Northeast Corner of Industrial Boulevard and Millwood Road

Ms. Danielle Quintanilla, Planner for the City of McKinney, explained the proposed site plan request and two variance requests. She stated that Staff received a letter of support and the applicant had provided three exhibits that were distributed to the Planning and Zoning Commission prior to the meeting today. Ms. Quintanilla stated that the applicant was proposing to construct two buildings, Building 1 is 37,200 square feet and Building 2 is 34,400 square feet, for office and industrial uses. She stated that typically site plans could be approved by Staff; however, the applicant was requesting two variances. Ms. Quintanilla stated that the applicant was requesting the loading docks be located less than the 200 feet away from residential uses to the north. She stated that the applicant was proposing to locate the loading docks approximately 34 feet away from the single-family residents. Ms. Quintanilla stated that in addition to the two loading docks being proposed, the applicant is proposing six bay doors on each building for a total of 12 bay doors. She stated that the bay doors do meet the distance requirement of 50 feet from residential uses, they are 60 feet away right now. Ms. Quintanilla stated that the loading docks, associated loading spaces, and bay doors could have an impact on the surrounding site, including the noise and traffic concerns. She stated that the property depth is approximately 222 feet, which leaves minimal room for a structure with loading docks. Ms. Quintanilla stated that Staff recognizes this issue and although the applicant has increased the height of the required 6 foot masonry screening wall to 8 ½ feet in height on the property line abutting the single family residents; given that the applicant has not provided additional site improvements to help mitigate or considered an increased distance from the surrounding residential properties, Staff cannot support the variance request to reduce the required distance from 200 feet to 34 feet. Ms. Quintanilla stated that the second variance is to reduce the landscape buffer for Lot 2 from the required 20 feet to 10 feet along Industrial Boulevard. She stated that typically along a major thoroughfare they have to provide a 20 foot landscape buffer. Ms. Quintanilla stated that the request to reduce it to 10 feet comes from wanting to provide 34 additional parking spaces in excess to the 48 parking spaces that are currently required. She stated that the 20 foot landscape buffer for Lot 1, Building 1 is being provided, as well as along the Millwood Road on the west and along Westmoreland Drive on the east. Ms. Quintanilla stated that it is Staff's professional opinion that the minimum landscape setback of 20 feet

for Lot 2 along Industrial Boulevard could be achieved. She stated that while Staff respects the applicant's desire to provide additional parking, Staff does not feel that the landscaping should be sacrificed in order to provide it. Ms. Quintanilla stated that Staff could not support the variance request. She offered to answer questions.

Commission Member McCall asked to clarify Staff's recommendation on this request. Ms. Quintanilla stated that Staff recommends denial of both of the proposed variances.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the proposed site plan request and two variances. He stated that the site gets shallower as it goes east. Mr. Roeder stated that the property to the east of the subject property is Encore Wire. He stated that his client had tried to include additional parking spaces for the building on the east of the property. Mr. Roeder stated that they proposed to shrink the front landscaping buffer from 20 feet to 10 feet along Industrial Boulevard. He stated that they were not proposing to reduce any of the street trees or primary landscaping that they are required to do along there. Mr. Roeder stated that the variance on the landscaping buffer is justified with the fact that they want to adequately park the building. He questioned how many properties along Industrial Boulevard even have a landscaping buffer in front. Mr. Roeder stated that the reduction in the landscaping buffer should not detract from the neighborhood. He stated that when you drive down the street you would not notice the difference between the required 20 foot landscape buffer versus the proposed 10 foot landscape buffer. Mr. Roeder stated that the property is zoned for light manufacturing/light industrial. He stated that this property could have a lot of various industrial uses by right. Mr. Roeder stated that would include having doors on the backside of the warehouse without any variance at all and a six foot screening wall. He stated that stated that facility could be operated 24 hours a day, seven days a week. Mr. Roeder stated that it could have lighted parking lots and various screening options. He stated that when you look at what could be as a matter of right compared to what they were proposing, theirs was more neighborhood friendly than what could be there by right. Mr. Roeder stated that they were proposing to increase the six foot wall to an 8 ½ foot masonry wall. He stated that what they propose should provide a significant amount of sound and light barrier. Mr. Roeder stated that one of the

handouts was a site distance study. He stated that the proposed loading dock was below grade. Mr. Roeder stated that they wanted to reduce the impact of having a tractor trailer rig back there. He stated that they had tried to mitigate whatever they could. Mr. Roeder stated that photographs of buildings further to the west were also distributed earlier. He questioned what additional site improvements that they could provide for Staff to support the request. Mr. Roeder requested approval of the propose site plan and two variances. He offered to answer questions.

Alternate Commission Member McReynolds stated that it appears that if they were required to provide the 20 foot landscape buffer it would mean that they could not provide the parking along the front of the eastern building on Lot 2, which would be conducive to having an office/warehouse. He stated that it would eliminate most of the parking facing Industrial Boulevard. Mr. Roeder stated that was correct.

Chairman Cox opened the public hearing and called for comments.

Ms. Donna Moody, 1232 Westmoreland Drive, McKinney, TX, asked what company was developing the property. She asked how tall the building would be. Ms. Moody stated that if it is going to be the same height as the Encore Wire building then it would block their breeze and the air would be stagnate. She stated that there were older residents living in the nearby residential neighborhood that needs fresh air to breath. Ms. Moody stated that they did not know what type of warehouse was going in. She stated that it would have bays in it meaning there would be deliveries all day long. Ms. Moody asked about the hours of operation. She stated that they did not know what was being proposed there and that they were not making it clear to the nearby residents.

Ms. Shirley Bloomer, 1200 Westmoreland Drive, McKinney, TX, stated that Encore Wire was located across the street from her property. She stated that around midnight the noise level from the semi-trucks was very loud and the odor was horrible. Ms. Bloomer stated that the proposed development would be located behind her property, so they would be blocked in. She asked what type of warehouses were being proposed on the subject property. Ms. Bloomer stated that traffic was terrible on Millwood Road. She stated that semi-trucks drive down Millwood even though there is a sign saying not to drive there. Ms. Bloomer asked about the entrance for the semi-trucks for this property. She stated that they need a traffic light to exit their neighborhood due to traffic on

Industrial Boulevard and Airport Drive. Ms. Bloomer stated that she was worried about the increase in traffic with this proposed development.

Ms. Connie Hill Whitson, 1202 Westmoreland Drive, McKinney, TX, stated that her family had lived here for nine generations. She stated that she did not like Encore Wire by her home. Ms. Whitson did not feel having the entrance on Millwood Road would work. She expressed concerns about the safety of the children in the neighborhood. Ms. Whitson expressed concerns about increased traffic. She stated that a six foot screening wall would block the view from the residential neighbors. Ms. Whitson stated that her brother lives across the street from her and that they love their homes. She stated that they did not ask for all of the industrial uses around them. Ms. Whitson stated that three nights a week a train comes in and toots its horn. She stated that it wakes up the residential neighbors. Ms. Whitson stated that it was unfair to wake up the resident's every night. She stated that they love McKinney. Ms. Whitson stated that she did not want them at her back door. She stated that some of the employees from Encore Wire park on Millwood Road, walk down to their vehicles after work, and drink beer before they leave for the day. Ms. Whitson stated it had to stop, because they have children riding their bikes on the road. She stated that it was a safety hazard. Ms. Whitson stated that they want peace and quiet at their homes. She stated that the loud noises at night need to stop.

On a motion by Commission Member Mantzey, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Chairman Cox asked Mr. Roeder to address some of the questions raised by the residents during the public hearing.

Mr. Roeder stated that the property is currently a vacant lot. He stated that the property is currently under contract to be sold. Mr. Roeder stated that it was not being sold to Encore Wire and would not be an extension of the Encore Wire operation. He stated that they were proposing to build one-story, tilt wall warehouses. Mr. Roeder stated that they believe the use will be a combination of warehouse, office/warehouse, and perhaps some office/showroom. He stated that there are similar uses along Industrial Boulevard. Mr. Roeder stated that he did not believe that it would be heavy industrial

uses. He stated that they were proposing to build an 8 ½ foot screening wall. Mr. Roeder stated that they have a central entrance for the property. He stated that he did not feel that the semi-trucks would drive down Millwood Road or Westmoreland Drive to get to and from the subject property.

Alternate Commission Member McReynolds asked for clarification on the bay doors. Mr. Roeder stated that the requirement is that the bay doors be 50 feet away from the residential properties. He stated that they are proposing that they be 60 feet away.

Chairman Cox asked about the height of the bay doors. Mr. Roeder stated that he did not have the specific height of the bay doors; however, guessed they might be 14 feet high. He stated that the building was proposed to be 25 feet, so they would be less than that height.

Chairman Cox stated that there would be a limited amount of truck traffic based on the building's height. Mr. Roeder gave examples of other similar buildings along Industrial Boulevard. He stated that it would not be a high industrial, high turnover warehouse.

Chairman Cox asked Staff if there were ordinances regarding traffic and vehicles parking on public streets. Ms. Quintanilla stated that the residents could call the Code Enforcement Department with the City of McKinney to report issues. She stated that this proposed development would not address those specific issues.

Alternate Commission Member McReynolds stated that he did not have an issue with reducing the landscape buffer on Lot 2 from 20 feet to 10 feet along Industrial Boulevard to increase parking on the property. He stated that they still plan to plant all of the trees.

Commission Member Smith stated that the Staff Report stated that there was minimum room for a structure with bay doors to develop without a variance. She asked for clarification on the reduction from 200 feet to 34 feet. Ms. Quintanilla stated that reduction was for the loading docks.

Chairman Cox stated that it appeared to him to be truck wells, where it is lower in that area, instead of truck docks. He stated that the trucks would be facing east or west, which would be less intense than if they were pulling in facing north or south.

Commission Member Smith asked if Staff considered this a loading dock. Ms. Quintanilla stated that one of the requirements was that the loading dock not face the residential properties.

Commission Member Smith stated that she did not have an issue with the landscape variance. She stated that she was uncomfortable with the variance request where they encroach upon the adjacent residential with the loading docks.

Commission Member Mantzey stated that it was a difficult piece of land being zoned light industrial with residential next to it. He stated that this was probably the best case scenario. Commission Member Mantzey stated that he felt for the nearby residents for being around heavy industrial to the north. He stated that he did not believe that this would be near the impact. Commission Member Mantzey stated that with the current restraints on the current zoning, the variance requests were not out of the norm for what is there.

Commission Member Cobbel concurred with Commission Member Mantzey's comments. She also stated that she felt for the nearby residents; however, the property was zoned for industrial uses.

Commission Member McCall stated that he did not have an issue with the landscape variance request. He stated that having one bay for all of the stalls would lighten the truck traffic. Commission Member McCall stated that the property was zoned for light industrial uses; therefore, he did not have an issue with the request.

On a motion by Alternate Commission Member McReynolds, seconded by Commission Member Cobbel, the Commission approved the site plan and two variance requests as requested by the applicant, with a vote of 5-1-0. Commission Member Smith voted against the motion.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

There being no further business, Chairman Cox declared the meeting adjourned at 8:15 p.m.

BILL COX
Chairman