

## PLANNING AND ZONING COMMISSION

APRIL 13, 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, April 13, 2021 at 6:00 p.m.

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, Cam McCall, and Bry Taylor

Alternate Commission Members Present; however, did not participate in the meeting: Scott Woodruff and Charles Wattlely

Staff Present: Planning Manager Caitlyn Strickland, Planner II Kaitlin Gibbon, Planner Joseph Moss, and Administrative Assistant Terri Ramey

There were approximately 85 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 as recommended by Staff, with a vote of 7-0-0.

**21-0291** Minutes of the Planning and Zoning Commission Work Session of March 23, 2021.

**21-0292** Minutes of the Planning and Zoning Commission Regular Meeting of March 23, 2021.

END OF CONSENT AGENDA

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

**21-0027PF** Consider/Discuss/Act on a Preliminary-Final Plat for Erwin Farms Phase 4, Located Approximately 1,300 Feet East of County Road 943 and on the South Side of Bloomdale Road. Ms. Kaitlin Gibbon, Planner II for the City of McKinney, explained the proposed preliminary-final plat request. She

stated that Staff recommended approval as conditioned in the Staff Report and offered to answer questions. Commission Member Haeckler asked how the City was accounting for the plats that overlaps the future Highway 380 (University Drive) route. Ms. Gibbon stated that the developer was proposing these lots. She stated that the City entered into an agreement with Erwin Farms Phase IV in case the bypass goes in that location that the proposed lots would not be constructed. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to approve the request as recommended by Staff, with a vote of 7-0-0.

**21-0028PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lots 2 and 3, Block A, of the Mayer Tract Addition, Located 1,020 Feet North of Silverado Trail and on the East Side of Custer Road. Mr. Joe Moss, Planner for the City of McKinney, explained the proposed preliminary-final plat request. He stated that Staff recommended disapproval of the proposed preliminary-final plat due to its lack of conformance with the requirements of the Engineering Design Manual and the Subdivision Ordinance. Mr. Moss offered to answer questions. Chairman Cox asked if the applicant was aware of Staff's recommendation for disapproval of the application. Mr. Moss said yes. On a motion by Commission Member Haeckler, seconded by Commission Member Doak, the Commission unanimously voted to disapproval the request as recommended by Staff, with a vote of 7-0-0.

**21-0029PF** Consider/Discuss/Act on a Preliminary-Final Plat for Trinity Falls Planning Unit 7 Phase 7, Located Approximately 2,000 Feet West of Trinity Falls Parkway and Approximately 1,200 Feet North Olympic Crossing (County Road 228). Mr. Kaitlin Gibbon, Planner II for the City of McKinney, explained the proposed preliminary-final plat request. She stated that Staff recommended approval as conditioned in the Staff Report and offered to answer questions. There were none. On a motion by Commission Member Kuykendall, seconded by Commission Member Haeckler, the

Commission unanimously voted to approve the request as recommended by Staff, with a vote of 7-0-0.

- 20-0040PFR** Consider/Discuss/Act on a Preliminary-Final Plat for Lots 3R1, 3R2, 4R1, CA7 and CA8, Block A of McKinney Logistics Center Addition, Located Approximately 150 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street). Mr. Joe Moss, Planner for the City of McKinney, explained the proposed preliminary-final replat request. He stated that Staff recommended approval as conditioned in the Staff Report and offered to answer questions. There were none. On a motion by Commission Member Doak, seconded by Commission Member Haeckler, the Commission unanimously voted to approve the request 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.

- 21-0034Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C2" - Local Commercial District, Located on the Northeast Corner of Collin McKinney Parkway and Piper Glen Road. (WITHDRAWN BY APPLICANT) Ms. Kaitlin Gibbon, Planner II for the City of McKinney, stated that Staff emailed the Commission the approximately 160 letters of opposition and two letters of support that were received after the packet was created. She explained the proposed rezoning request. Ms. Gibbon stated that Staff recommends that the public hearing be closed indefinitely due to the item being withdrawn by the applicant. Vice-Chairman Mantzey asked for clarification on the action being requested for this item. Ms. Gibbon stated that the action would be that the public hearing would need to be closed indefinitely per the withdrawal of the rezoning request. Commission Member

Kuykendall asked if this item was done. Chairman Cox stated that the rezoning request that was presented has been withdrawn. He stated that since the item was withdrawn, the Commission would not be taking any action on the rezoning request. Chairman Cox opened the public hearing and called for comments. The following 15 people spoke in opposition to the proposed development on the subject property. They expressed concerns regarding a ghost kitchen being an inappropriate use at this location, reduced quality of life, decrease in property values, increased traffic, reckless driving, egress or ingress to the site, extended hours of operation, privacy issues, large building being an eyesore, noise, lights, food odors, rodents, delivery trucks, homeless people looking for free food, increase in crime, setting a precedent, ghost kitchen is not a restaurant, ghost kitchens are an unproven concept, difficult to sell their properties with a ghost kitchen nearby, and the applicant or CRAVE representatives did not reach out to discuss the proposed development with the area residents. Some liked the ghost kitchen concept; however, not at this location. The original CRAVE facility was built in an industrial park away from residential properties. Many suggested holding study groups to discuss the definition of a ghost kitchen and where they should be located within the City, so that the city's ordinances can be updated. They felt a special use permit (SUP) should be required for a ghost kitchen to operate in the City.

- Mr. David Craig, 6850 TPL Drive, McKinney, TX
- Ms. Carol Cook, 6370 Piper Glen Road, McKinney, TX
- Mr. James Massey, 5912 Heron Bay Lane, McKinney, TX
- Ms. Melissa Watts, 6212 River Highlands Drive, McKinney, TX
- Mr. Frank T. Elrod, 8613 Wakefield Drive, McKinney, TX
- Mr. Thomas Middleton, 5713 Heron Bay Lane, McKinney, TX
- Mr. David Cassman, 6209 Heron Bay Lane, McKinney, TX
- Mr. David Anglin, 8608 Wakefield Drive, McKinney, TX

- Mr. Michael Mulherin, 8609 Wakefield Drive, McKinney, TX
- Ms. Joann Pond, 8617 Wakefield Drive, McKinney, TX
- Mr. Tracy Porter, 6201 Southwind Lane, McKinney, TX
- Mr. Gary McGinnis, 6101 River Highlands Drive, McKinney, TX
- Mr. Steve Andelman, 5917 River Highlands Drive, McKinney, TX
- Mr. Lawson Howard, 6004 River Highlands Drive, McKinney, TX
- Mr. Greg Everett, 6301 Southwind Lane, McKinney, TX

The following 50 residents turned in speaker cards in opposition to the request; however, did not wish to speak during the meeting:

- Mr. Grant Cardinal, 8620 Wakefield Drive, McKinney, TX
- Mr. Jim Treaster, 5809 River Highlands Drive, McKinney, TX
- Ms. Nancy Trafton, 6020 Heron Bay Lane, McKinney, TX
- Mr. Tom Atsalis, 6020 Heron Bay Lane, McKinney, TX
- Ms. Nicole Petrila, 6005 Heron Bay Lane, McKinney, TX
- Mr. Daniel Brown, 6000 Heron Bay Lane, McKinney, TX
- Ms. Cynthia Brown, 6000 Heron Bay Lane, McKinney, TX
- Ms. Deborah Wetterstroem, 6001 Heron Bay Lane, McKinney, TX
- Mr. Donald Williamson, 6025 Heron Bay Lane, McKinney, TX
- Ms. Audrey Cobaugh, 6013 Heron Bay Lane, McKinney, TX
- Mr. Michael Cobaugh, 6013 Heron Bay Lane, McKinney, TX
- Ms. Mary Cardinal, 8620 Wakefield Drive, McKinney, TX
- Ms. Judy Williamson, 6025 Heron Bay Lane, McKinney, TX
- Ms. Dee Dee Wise, 8612 Wakefield Drive, McKinney, TX
- Mr. Rodger Jones, 8604 Wakefield Drive, McKinney, TX
- Mr. Mark Diamond, 5912 River Highlands Drive, McKinney, TX
- Ms. Kelly Porter, 6201 Southwind Lane, McKinney, TX
- Ms. Marilyn Walker, 6005 River Highlands Drive, McKinney, TX
- Mr. James Walker, 6005 River Highlands Drive, McKinney, TX
- Ms. Donna Jernigan, 5929 River Highlands Drive, McKinney, TX

- Mr. Jimmy Jernigan, 5929 River Highlands Drive, McKinney, TX
- Ms. Penny Treaster, 5809 River Highlands Drive, McKinney, TX
- Ms. Mary Annette Ardoin, 6200 River Highlands Drive, McKinney, TX
- Mr. Jim Brown, 6208 River Highlands Drive, McKinney, TX
- Ms. Nancy Brown, 6208 River Highlands Drive, McKinney, TX
- Mr. Van Wilson, 6100 Heron Bay Lane, McKinney, TX
- Ms. Donna Wilson, 6100 Heron Bay Lane, McKinney, TX
- Mr. George Scott, 5901 Heron Bay Lane, McKinney, TX
- Ms. Deby Boyd, 5600 River Highlands Drive, McKinney, TX
- Mr. Jack Boyd, 5600 River Highlands Drive, McKinney, TX
- Mr. Bob Morris, 5913 Heron Bay Lane, McKinney, TX
- Ms. Jennifer Morris, 5913 Heron Bay Lane, McKinney, TX
- Mr. Senthilraj Venkatasubramaniam, 5705 River Highlands Drive, McKinney, TX
- Ms. Pramela Venkatasubramaniam, 5705 River Highlands Drive, McKinney, TX
- Mr. James K. Watts, 6212 River Highlands Drive, McKinney, TX
- Mr. Wei (Ed) Lee, 5904 Heron Bay Lane, McKinney, TX
- Ms. Lin Phan Lee, 5904 Heron Bay Lane, McKinney, TX
- Ms. Karuna Thomas, 6109 River Highlands Drive, McKinney, TX
- Mr. Abraham Thomas, 6109 River Highlands Drive, McKinney, TX
- Mr. James Gooch, 6105 River Highlands Drive, McKinney, TX
- Dr. Lakshmi Kannan, 8605 Wakefield Drive, McKinney, TX
- Ms. Mary Ann Mulherin, 8609 Wakefield Drive, McKinney, TX
- Mr. Richard Harris, 5601 Heron Bay Lane, McKinney, TX
- Ms. Diana Masullo, 6000 River Highlands Drive, McKinney, TX
- Mr. Nicholas Masullo, 6000 River Highlands Drive, McKinney, TX
- Mr. Mike Kittelson, 8513 Avenel Road, McKinney, TX

- Ms. Janie Pena, 5700 River Highlands Drive, McKinney, TX
- Mr. Brian Ferguson, 5909 Southwind Lane, McKinney, TX
- Ms. Kanitra Ferguson, 5909 Southwind Lane, McKinney, TX
- Mr. John Kitsopoulos, 5921 River Highlands Drive, McKinney, TX

Chairman Cox stated that he appreciated the residents attending the meeting and being part of the process. He stated that McKinney is a great city with great people who run it. Commission Member Kuykendall stated that she hoped the applicant reaches out to the nearby residential communities to work with them. She also stated that she appreciated the residents attending the meeting. Chairman Cox called for additional comments. There being none, on a motion by Commission Member McCall, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing indefinitely per Staff's recommendation, with a vote of 7-0-0.

**21-0021Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Zone the Subject Property to "PD" - Planned Development District, for Single-Family Residential Uses, Located on the South Side of County Road 278 and Approximately 1,800 Feet East of State Highway 5 (McDonald Street). (REQUEST TO BE TABLED) Mr. Joe Moss, Planner for the City of McKinney, stated that Staff recommended that the public hearing be closed and the item tabled indefinitely. He stated that Staff had received one letter of opposition to the request since the issuance of the agenda packet and had passed a copy of the letter out to the Commission prior to the meeting. Mr. Moss stated that the applicant requested additional time to address items associated with the deed(s) and restriction(s) on the property. He stated that Staff would re-notice the item prior to an upcoming hearing and 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 Kuykendall, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public

hearing and table the item indefinitely per Staff's recommendation, with a vote of 7-0-0.

**21-0041Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for a Telecommunications Tower, Located on the Southeast Corner of Bluestem Drive and Hidden Haven Drive. (REQUEST TO BE TABLED) Ms. Kaitlin Gibbon, Planner for the City of McKinney, stated that Staff provided letters of opposition copies that were received after the packet had been published to the Commission. She stated that Staff recommended that the public hearing be continued and the item tabled to the April 27, 2021 Planning and Zoning Commission meeting due to notification signs not being posted on the subject property in the timeframe required by the Zoning Ordinance. Ms. Gibbon offered to answer questions. There were none. The applicant was not present at the meeting. Chairman Cox opened the public hearing and called for comments. The following three residents spoke in opposition to the request. They expressed concerns regarding diesel generators as backup power sources for the tower; broadcast area of a 5G cell tower being less than a 4G cell tower; not using alternate structures for the antenna; impact of cell towers, radio waves, and radiation on the school children and area residents; view of the cell tower from the adjacent resident's properties; lack of privacy; lack of screening; elevation of the school; traffic from the school; possibly moving the location of the tower to another side of the school; and 5G technology not being vetted.

- Mr. Ryan Raedisch, 10117 Sailboard Drive, McKinney, TX
- Kathi Harnack, 10105 Sailboard Drive, McKinney, TX
- Gary Harnack, 10105 Sailboard Drive, McKinney, TX

The following two residents turned in cards in opposition to the proposed rezoning request; however, did not wish to speak during the meeting.



- Mr. Ajay Solanki, 10125 Sailboard Drive, McKinney, TX
- Ms. Falguni Solanki, 10125 Sailboard Drive, McKinney, TX

On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to continue the public hearing and table the item to the April 27, 2021 Planning and Zoning Commission meeting per Staff's recommendation, with a vote of 7-0-0.

- 21-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use
- 0001SUP** Permit to Allow for Garage Auto Repair (Sun Auto McKinney), Located on the South Side of Virginia Parkway and Approximately 315 Feet West of Hardin Boulevard. Ms. Kaitlin Gibbon, Planner II for the City of McKinney, explained the specific use permit for a garage auto repair to be operated on the subject property. She stated that Staff had evaluated the request and feels that the site is appropriate for the proposed use and is compatible with existing and proposed land uses of the adjacent properties. Ms. Gibbon offered to answer questions. Commission Member Haeckler asked about the two 90-degree turns in the sidewalk shown on the site plan. Ms. Gibbon stated that Engineering Staff is working with the property owner and the adjacent property owner regarding the sidewalk. Mr. Michael Doggett, Kimley-Horn, 260 E. Davis Street, McKinney, TX, stated that the sidewalk configuration was in regard to the Americans with Disabilities Act (ADA) requirements. He 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 Doak, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and recommend approval of the specific use permit as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stepped down on the following agenda item # 21-0036Z due to a possible conflict of interest.

Vice-Chairman Mantzey continued the meeting.

**21-0036Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "LI" - Light Industrial District, Located on the North Side of Wilmeth Road and Approximately 1,130 Feet West of State Highway 5 (McDonald Street). Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, explained the proposed rezoning request and the surrounding uses. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none. Mr. JT Samford, ML Realty Partners, 8150 N. Central Expressway, Dallas, TX, concurred with the Staff report and 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 Haeckler, seconded by Commission Member Taylor, the Commission voted to close the public hearing and recommend approval of the proposed rezoning request, with a vote of 6-0-1. Chairman Cox abstained.

Chairman Cox returned to the meeting.

#### END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Chairman Cox called for public comments regarding matters not on the agenda. There were none.

Chairman Cox called for Commission and Staff Comments. Chairman Cox thanked the citizens for being involved in the process. He also thanked Staff for their hard work.

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 7:28 p.m.

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BILL COX  
Chairman