

## PLANNING AND ZONING COMMISSION

OCTOBER 27, 2020

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, October 27, 2020 at 6:00 p.m.

City Council Present: Rick Franklin

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Deanna Kuykendall, and Charles Wattley - Alternate

Commission Members absent: Christopher Haeckler, Cam McCall, Bry Taylor, and Scott Woodruff – Alternate

Staff Present: Director of Planning Jennifer Arnold; Assistant Director of Planning Mark Doty; Planner IIs Danielle Mathews, Kaitlin Gibbon, and Alek Miller; Planner Joseph Moss; and Administrative Assistant Terri Ramey

There were approximate twelve guests present.

Chairman Cox called the meeting to order at 6:10 p.m. after determining a quorum was present.

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

### **20-0961** Election of the Chair and Vice-Chair.

Ms. Jennifer Arnold, Director of Planning for the City of McKinney, called for the election of the Chair. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to reelect Bill Cox as the Chairman, with a vote of 5-0-0.

Ms. Jennifer Arnold, Director of Planning for the City of McKinney, called for the election of the Vice-Chair. On a motion by Commission Member Doak, seconded by Alternate Commission Member Wattley, the Commission voted to reelect Brain Mantzey as the Vice-Chairman, with a vote of 4-0-1. Vice-Chairman Mantzey abstained.

Chairman Cox called for the Consent Agenda.

The Commission unanimously approved the motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, to approve the following two Consent items, with a vote of 5-0-0.

**20-0962** Minutes of the Joint City Council and Planning and Zoning Commission Meeting of September 22, 2020.

**20-0963** Minutes of the Planning and Zoning Commission Regular Meeting of October 13, 2020.

END OF CONSENT.

Chairman Cox continued the meeting with the Plat Consideration under Texas Local Government Code Chapter 212.

**20-0131PF** Consider/Discuss/Act on a Preliminary-Final Plat for the Painted Tree Lakeside West Phase 1 Addition, Located on the Southeast Corner of Lake Forest Drive and Summit View Drive. Ms. Kaitlin Gibbon, Planner II for the City of McKinney, briefly explained the proposed preliminary-final plat. She stated that Staff recommends disapproval of the request due to its lack of conformance with the requirements of the Engineering Design Manual and the Subdivision Ordinance. Chairman Cox asked if the applicant was aware of Staff's recommendation and the reasoning behind it. Ms. Gibbon said yes. She stated that the applicant will have an opportunity to resubmit the plat to address Staff's comments and then it could be sent to a Planning and Zoning Commission meeting for consideration. On a motion by Vice-Chairman Mantzey, seconded by Alternate Commission Member Wattley, the Commission unanimously voted to disapprove the proposed preliminary-final plat per Staff's recommendation, with a vote of 5-0-0.

**20-0133PF** Consider/Discuss/Act on a Preliminary-Final Replat for Lots 1R1 and 1R2, Block A of the Headington Heights Addition, Located on the Northwest Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard. Ms. Danielle Mathews, Planner II for the City of McKinney, briefly explained the proposed preliminary-final plat. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff

Report. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Kuykendall, the Commission unanimously voted to approve the preliminary-final replat per Staff's recommendation, with a vote of 5-0-0.

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.

**17-0168SP** Conduct a Public Hearing to Consider/Discuss/Act on a Design Exception for a Site Plan for an Office Development (Playful Corporation), Located at the Southwest Corner of East Davis Street and State Highway 5 (McDonald Street). Ms. Kaitlin Gibbon, Planner II for the City of McKinney, explained the proposed design exception for the site plan for an existing three-story office building located in the "MTC" – McKinney Town Center Zoning District. She stated that within the Downtown Core Character District of the "MTC" – McKinney Town Center Zoning District, a 0-10' Build-to Zone is required for building frontage along any street designated as a Priority "B" Street. Ms. Gibbon stated that it has been determined that the approved site plan allowed for the existing building to be constructed approximately 18.5' away from the right-of-way. She stated that it does not conform to the Build-to Zone requirement for building frontage along East Davis Street. Ms. Gibbon stated that although the existing building was approved as close to the right-of-way as possible, while still maintaining an accessible walkway between the building and parking spaces to the north of the building, a design exception to accommodate the additional setback was not approved with the site plan. She stated that in order for the site to be brought into full compliance with the zoning regulations, the applicant has requested that a design exception be granted. Ms. Gibbon stated that Staff feels that the existing building maintains a consistent building

frontage with the Davis at the Square development to the west, which also received a design exception for an increased Build-to Zone of 0-24' along David Street. She stated that Staff feels that the site maintains an accessible walkway between existing parking and the building. Ms. Gibbon that Staff recommends approval of the proposed site plan and offered to answer questions. Vice-Chairman Mantzey inquired about the oversight and if Staff has reviewed the site plan to make sure there are no other variances needed. Ms. Gibbon said yes. Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard; Suite 300; McKinney, TX; explained the proposed design exception for the site plan and stated that this will just clean up the oversight. 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 approve the proposed site plan as recommended by Staff, with a vote of 5-0-0.

**20-0071Z2** 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 "PD" - Planned Development District, Generally to Modify the Use and Development Standards, Located on the Northwest Corner of Stacy Road and Ridge Road. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed rezoning request and discussed the surrounding uses. He stated that the applicant is requesting to rezone the property from a commercial "PD" – Planned Development District with a tied down layout to a new "PD" – Planned Development District based on "C2" – Local Commercial District with some modifications. Mr. Moss stated that the modifications include permitting a hotel and motel without a "SUP" – Special Use Permit; allowing a single car wash without a "SUP" – Special Use Permit though additional location restrictions and screening would

be required; limiting where service stations may be located; and limiting more intense uses such as animal boarding with outside runs, bait shops, funeral homes, et cetera. He stated that the proposed zoning would preserve the boulevard feature from the existing zoning and would have a landscape median consistent with the existing boulevard to the north. Mr. Moss stated that Staff feels that the proposed rezoning request carries forward much of the intent, uses, and features of the existing zoning. He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Vice-Chairman Mantzey asked if a hotel or car wash was not allowed by right under the current zoning. Mr. Moss stated that a car wash would require a "SUP" – Special Use Permit. He stated that Staff felt that given the limitations of where it could be located and what would be required that it would be equivalent to a "SUP" – Special Use Permit process. Mr. Moss stated that Staff did not feel that a hotel use would be incompatible with the intent of the area; therefore, Staff was comfortable with that exception. Vice-Chairman Mantzey asked if the hotel and car wash would be restricted to Tract C. Mr. Moss stated that the hotel use would not have a restriction on where it could be located. He stated that a car wash would only be permitted in Tract C, along Ridge Road. Mr. Martin Sanchez, The Sanchez Group, 2000 N. McDonald Street, McKinney, TX, briefly explained the proposed rezoning request and concurred with the Staff Report. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Doak, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request with the special ordinance provisions listed in the Staff Report, with a vote of 5-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 10, 2020.

Alternate Commission Member Wattley stepped down on item # 20-0114Z due to a possible conflict of interest.

**20-0114Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District, to Allow an Emergency Overnight Warming Station, Located on the North Side of Wilson Creek Parkway and Approximately 850 Feet West of College Street. Mr. Alek Miller, Planner II for the City of McKinney, explained the proposed rezoning request. He discussed the uses for the surrounding properties. Mr. Miller stated that the existing Planned Development (PD) regulations would remain in place. He stated that new regulations would be applied to allow the requested use. Mr. Miller stated that The Salvation Army is requesting to allow an emergency overnight warming station for up to 50 guests on the nights when the temperature is forecasted to be 40 degrees or less. He stated that the hours of operation would be from 6:00 p.m. to 8:00 a.m. Mr. Miller stated that the Chief of Police could decide when additional security is requested during this use. He stated that they have been operating in a very similar manner for the last year under a Temporary Use Permit that was approved by City Council that allowed up to 14 people. Mr. Miller stated that the request would formalize the overnight lodging at the subject property and would layout parameters for this type of operation. He stated that they were not requesting any physical improvements to the building as part of this proposal. Mr. Miller stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Commission Member Doak asked if this would be replacing the Temporary Use Permit with an annual renewal process. Mr. Miller said yes. Commission Member Doak asked if The Salvation Army needed to house over 50 guests if they would be requested approval from City Council for a

Temporary Use Permit. Mr. Miller said yes. He stated that any church or religious organization can provide overnight shelter for up to 14 people for 30 days out of the year by right. Vice-Chairman Mantzey asked if the Police Department had been involved in working with this request. Mr. Miller said yes. Major David Feeser, The Salvation Army, 600 Wilson Creek Parkway, McKinney, TX, explained the proposed rezoning request and gave a brief history of the services that they have been able to provide this past year. He stated that they are not looking to build a year-round shelter. Major Feeser stated that they saw an increase this past year in the homeless count. He stated that last year's count was at 80 homeless people. Vice-Chairman Mantzey inquired about the detailed Program Plan included in the Staff Report. Major Feeser stated that they adapted it from Plano's Program Plan. He stated that last year, the Police did not have to respond to any incidents at their shelter. Vice-Chairman Mantzey asked when the building was built. Major Feeser believed that the building was built in 1999. Vice-Chairman Mantzey asked about the core values of The Salvation Army. Major Feeser stated that they take care of people that society has forgotten or brushes off that are at poverty level or below. Vice-Chairman Mantzey asked how long The Salvation Army had operated in the United States. Major Feeser stated that they started in 1879. He stated that they were operating in England in 1865. Chairman Cox opened the public hearing and called for comments. Ms. Shevia Cornett, 1201 Steeple Ridge Court, McKinney, TX, spoke in opposition. She expressed concerns regarding the proposed use in her neighborhood; allowing people there who cannot pass a screening process or have a drug addiction to stay there; safety of the area's school children and senior citizens; The Salvation Army will not require the people to leave the area once they leave the facility; vandalism of the surrounding properties; and the Police could not guarantee protection. Mr. Scott Henneberry, 1209 Hyde Park Court, McKinney, TX, spoke in opposition. He expressed

concerns about this turning into a fulltime overnight shelter over time; the number of days during the year when the temperature is 40 degrees of below; should not be located near a residential neighborhood; process for making changes to the approved program; and whether or not every church then want to house up to 50 homeless people. Ms. Lynn Willis-Tenczar, 1207 Hyde Park Drive, McKinney, TX, spoke in opposition. She stated that she researched into the Plano shelter and the crime within a half mile has increased. Ms. Willis-Tenczar expressed concerns that crime would increase within a half mile of this location as well. She stated that area includes an elementary school, high school, senior center, public park, and three neighborhoods. Ms. Willis-Tenczar stated that she supports The Salvation Army's services; however, the proposed location was not appropriate. She stated that they have been a great neighbor and kept the property up. Ms. Willis-Tenczar expressed concerns about the people not being screened, safety of the children and senior citizens, increased crime, and not enough time to prepare for this meeting. Ms. Margarite Kennedy Hix, 1206 S. College Street, McKinney, TX, spoke in opposition to the request. She stated that the homeless situation in McKinney is bad and getting worse. Ms. Hix stated that she was assaulted in her store by a homeless man not long ago. Ms. Hix felt there was a big difference in having 14 people staying at the shelter versus 50 people. She concurred with the previous concerns mentioned. Ms. Hix stated that the proposed shelter would not scratch the surface of the problem. She stated that this use should be in a commercial or industrial area of town. Ms. Beth Ray, 208 Wilson Creek Parkway, McKinney, TX, spoke in favor of the request. She stated that The Salvation Army has been an excellent neighbor. Ms. Ray expressed concerns about not having an official place for homeless people. She suggested that they let the people leave the facility at 8:30 a.m. instead of the proposed 8:00 a.m. so that it would be after the children are in school. Ms. Ray stated that we sometimes have



to make a decision that is not always comfortable. She stated that she appreciates that people are afraid; however, there is nowhere else for these people to go. Ms. Ray stated that the Samaritan Inn needs to be at least four times bigger and it probably still would not hold all the folks requiring help. She would like to see some of the surrounding neighbors' concerns addressed. Ms. Ann Spaight, 1211 Big Bend Drive, McKinney, TX, spoke in opposition to the request. She stated that when the Salvation Army was being proposed to be built at this location that they agreed to not build a homeless shelter there. Ms. Spaight stated that The Salvation Army has been a great neighbor. She stated that a homeless shelter is needed; however, not at this location. Ms. Spaight concurred with the previous concerns mentioned. She asked if they were planning to build a new building for the homeless at the site or continue using the current building. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission voted to close the public hearing, with a vote of 4-0-1. Alternate Commission Member Wattley abstained. Commission Member Doak asked if a shelter was planned to be built at this location. Mr. Miller stated that no physical changes or new building proposed at this site. He stated that the sheltering would take place in the gymnasium inside the existing building. Commission Member Doak asked about the process if later The Salvation Army wanted to request a new building. Mr. Miller stated that they would need to go back through the site plan process with the City. Commission Member Kuykendall asked about the nearest school to the subject property. Mr. Miller stated that the McKinney High School was approximately 1,500' west of the subject property. Commission Member Doak wanted to verify that the proposed use was a temporary warming shelter for when the temperature was below a certain degree, it was only overnight, and not a homeless shelter that would be available year around. Major Feeser stated that they serve dinner at 6:00 p.m., they would stay in the

gymnasium overnight, and breakfast was served at 5:00 a.m. He stated that many of the people who stayed at their shelter this past year were picked up and brought to their location. Major Feeser stated that they then were transported back to the area where they were picked up. He stated that they normally have all the people that stayed at the facility overnight out of the building between 6:00 - 7:00 a.m. so they can prepare the building before the rental groups start arriving around 8:00 a.m. Major Feeser stated that they were not proposing a homeless shelter. Commission Member Kuykendall asked Staff to clarify if a homeless shelter could be there under the proposed rezoning request. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the request is to allow for an emergency warming station under the conditions that Mr. Miller mentioned and not a homeless shelter. Commission Member Kuykendall asked about the current demographics of the guests. Major Feeser stated that the guests vary. He stated that they had husbands and wives, families with teenagers, elderly people, et cetera. Major Feeser stated that they rarely had young children staying there. Commission Member Kuykendall asked if they had any security issues this past year. Major Feeser stated that they considered hiring a security guard or off-duty police officer during the emergency shelter nights; however, it was not necessary over the last year. He stated that currently that is open to the Chief of Police to determine if they need to hire security due to issues. Major Feeser stated that they did not have any calls during the 33 days that they were open last year to the Police Department due to issues. Commission Member Kuykendall asked if there were any safety precautions in place, especially due to being close to a school. She asked if there were any state requirements for screening the people who wish to stay there. Major Feeser stated that normally if the people have issues with the Police, they normally do not go to The Salvation Army locations. He stated that they do not allow them to drink liquor, get verbally abusive,

et cetera. Major Feeser stated that they are criticized for having tight regulations at their shelters. He stated that they do not have a way of screening the people. Major Feeser stated that they have trained volunteers that have worked in shelter activity for 2-3 years. Commission Member Kuykendall asked about people staying there for consecutive nights. Major Feeser stated that last year the most consecutive nights were only three nights in a row. Ms. Arnold stated that the temporary use permit issued last year allowed up to 40 people to stay overnight at this location. She stated that a church has a provision to allow up to 14 people to be sheltered and not to exceed a 30-day period by right. Major Feeser stated that the most they sheltered this past year was 22-23 people. Commission Member Kuykendall asked what traditionally happened when a person leaves their facility the following morning. Major Feeser stated that if they picked them up at a certain location, then they transport them back there the following morning. He stated that some people drive to their location. Major Feeser stated that some of these people typically sleep in their vehicle at the Walmart or Academy Sports property on Highway 380 (University Drive) when their facility was not available. He stated that if the people walk away from their facility at 6:00 a.m. when they ask them to leave, then he does not have an answer to where they go. Commission Member Kuykendall asked about the crime concerns expressed during the meeting. Major Feeser stated that if an issue comes up then they would call 911 for the Police to come out to address the issue. He stated that traditionally they do not build buildings in residential areas. Chairman Cox asked Staff to clarify the process to make changes to the temperature requirement or an increase in the number of guests allowed per night, if the proposed rezoning request is approved. Mr. Miller stated that changing the guidelines would require that they go back through the rezoning process of submitting a new application, going to public hearing meetings, et cetera. Ms. Arnold stated that they would be required to rezone the

property to make these changes. She stated that prior to the first operating day, The Salvation Army is required to provide their operational plan to the City for review and allow City Staff to know that they intend to operate their temporary warming station. Ms. Arnold stated that Police presence will probably start to circulate though there during these times. She stated that the City will be required to be proactive doing drop-ins to ensure that they are still meeting the requirements. Ms. Arnold stated that it is also complaint-based. She stated that if the residents are seeing things occurring outside of the building or have a concern, then they can call the City's Code Enforcement Department or the non-emergency phone number for the Police Department. Vice-Chairman Mantzey stated that the concerns raised by the residents were valid; however, sometimes our fear gets the best of us. He stated that The Salvation Army, City Staff, and others within the City have worked hard developing these regulations. Vice-Chairman Mantzey stated that the homeless situation is a growing issue. He stated that it is cold and wet outside now. Vice-Chairman Mantzey stated that he could not imagine being in this situation where someone has no place to go. He stated that he appreciates The Salvation Army and the work that they have done over the years. Vice-Chairman Mantzey stated that he would be in support of the request. Commission Member Doak stated that he also understandable to have fears; however, he did not share them. He believed the City's Police Department, City leaders, and The Salvation Army are working together to limit these concerns. Commission Member Doak stated that as a homeowner he understands their point; however, he also understands the need for taking care of these individuals. He encouraged the surrounding property owners to be active with The Salvation Army if they are not already involved. Commission Member Doak stated that he is in support of the request. Commission Member Kuykendall stated that she participated in the homeless count in McKinney in previous years. She stated that it was an

incredibly impactful cause and was life-changing for her. Commission Member Kuykendall stated that she understands the challenges and concerns. She stated that this proposed rezoning request was not an easy decision. Commission Member Kuykendall stated that she would be supporting the request; however, felt there should be some sort of screening due to being so close to a school. She stated that this was important, especially when it is cold outside. Chairman Cox stated that he supports the effort; however, he thinks there are safeguards in place. He did not feel that it was the homeowners' responsibility to police; however, it is their right to be involved in the process. Chairman Cox thanked Major Feeser and the homeowners for being at the meeting. He stated that the request would be going on to a City Council meeting for a final decision; therefore, there would be another public hearing to share your thoughts and concerns. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission voted to recommend approval per Staff's recommendation, with a vote of 4-0-1. Alternate Commission Member Wattley abstained. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 3, 2020.

Alternate Commission Member Wattley returned to the meeting.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

On a motion by Commission Member Doak, seconded by Alternate Commission Member Wattley, the Commission unanimously voted to adjourn the meeting, with a vote of 5-0-0. There being no further business, Chairman Cox declared the meeting adjourned at 7:27 p.m.

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BILL COX  
Chairman