

PLANNING AND ZONING COMMISSION

NOVEMBER 8, 2016

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, November 8, 2016 at 6:00 p.m.

City Council Present: Mayor Brian Loughmiller

Commission Members Present: Chairman Bill Cox, Vice-Chairman Eric Zepp, Janet Cobbel, Deanna Kuykendall, Cam McCall, Brian Mantzey, and Mark McReynolds
– Alternate

Commission Member Absent: Pamela Smith

Staff Present: Director of Planning Brian Lockley; Planning Manager Matt Robinson; Planners Aaron Bloxham, Eleana Galicia, Danielle Quintanilla, and Melissa Spriegel; and Administrative Assistant Terri Ramey

There were approximately 34 guests present.

Chairman Cox called the meeting to order at 6:00 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 Cobbel, seconded by Commission Member McCall, to approve the following seven Consent items, with a vote of 7-0-0.

- 16-1122 Minutes of the Planning and Zoning Commission Work Session of October 25, 2016**
- 16-1123 Minutes of the Planning and Zoning Commission Regular Meeting of October 25, 2016**
- 16-300PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1-4, Block A, of the Westridge Retail Addition, Located on the Northwest Corner of Independence Parkway and Westridge Boulevard**
- 16-293PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 and 2, Block A of the 7-Eleven Wilmeth Addition, Located on the Southwest Corner of Wilmeth Road and Lake Forest Drive**
- 16-298CVP Consider/Discuss/Act on a Conveyance Plat for Lots 1 and 2, Block A, of the Wilbow Alma Addition, Located on the Northeast Corner of Collin McKinney Parkway and Alma Road**

16-303CVP Consider/Discuss/Act on a Conveyance Plat for Lots 2R, 3 and 4, Block A, of Southern Hills at Craig Ranch Commercial, Located on the Northwest Corner of State Highway 121 and Craig Ranch Parkway

16-309CP Consider/Discuss/Act on a Concept Plan for Westridge Retail, Located on the Northwest Corner of Westridge Boulevard and Independence Parkway

END OF CONSENT

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

16-200Z2 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 "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Southwest Corner of U.S Highway 380 (University Drive) and Hardin Boulevard

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that it was the intent to rezone to "C2" – Local Commercial District to generally allow for retail and restaurant uses. Ms. Galicia stated that due to the subject properties adjacency to a major regional highway, U. S. Highway 380 (University Drive), the proposed zoning would help enhance the area as a prime commercial corridor, while also providing an appropriate transition from existing residential uses located west of the subject property to regional commercial uses located along U.S. Highway 380 (University Drive). She stated that given these factors, Staff's professional opinion is that the proposed rezoning request would remain compatible with adjacent and future surrounding land uses. Ms. Galicia stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

The applicant was not present at the meeting to make a presentation on the proposed rezoning request.

Chairman Cox asked Staff if they were aware of any additional information that the applicant might have provided regarding this request during the meeting. Ms. Galicia stated that she believed the applicant had planned to be present at the meeting. She was not aware of any additional information that should be noted for this request.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 6, 2016.

Chairman Cox stepped down on the following item # 16-284PFR due to a possible conflict of interest.

Vice-Chairman Zepp continued the meeting.

16-284PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 2R1 and 2R2, Block A, of the Harbor Freight Tools Addition, Located on the Southeast Corner of Greenwood Street and U.S. Highway 75 (Central Expressway)

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed preliminary-final replat. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report and offered to answer questions. There were none.

Mr. Brent Massey, CEI Engineering, 3030 LBJ Freeway, Dallas, TX, concurred with the Staff report and offered to answer questions. There were none.

Vice-Chairman Zepp opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission voted to close the public hearing and approve the proposed preliminary-final replat as conditioned in the Staff report, with a vote of 6-0-1. Chairman Cox abstained.

Vice-Chairman Zepp stated that the Planning and Zoning Commission was the final approval authority for the proposed preliminary-final replat.

Chairman Cox returned to the meeting.

16-299Z 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 "C3" - Regional Commercial District and "CC" - Corridor Commercial Overlay District, Located Approximately 500 Feet West of Hardin Boulevard and on the North Side of U.S. Highway 380 (University Drive)

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant had indicated to Staff that they intent to develop the subject property and the adjacent property located to the east of the subject property with commercial uses. Ms. Galicia gave examples of retail and office uses. She stated that Staff's professional opinion is that the proposed zoning is appropriate and will remain compatible with future surrounding land uses. She stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Dan Metevier, 1404 Gables Court, Plano, 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 Cobbel, seconded by Alternate Commission Member McReynolds, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 6, 2016.

16-277Z 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, Generally Located at the Northern Terminus of Tremont Boulevard and Along the Northern Side of Darrow Drive

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant was proposing slight modifications to the Phase 4 pattern book with modification to the lot and street layout. Mr. Bloxham stated that since the pattern book was part of the adopted zoning any change was considered to be a rezoning request and it was required to come before the Planning and Zoning Commission for their recommendation. He stated that the property was rezoned in July 2015, which established a new Phase 4 pattern book. Mr. Bloxham stated that while slight modifications to the pattern book for Phase 4 were being proposed, the intent of the pattern book and the character prescribed for the overall development in the pattern book

would remain. He stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Mac Hendricks, Southern Land Company, 1804 Forest Hills, McKinney, TX, concurred with the Staff report. He stated that they were requesting a slight modification to the pattern book. Mr. Hendricks requested approval of the rezoning request 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 Mantzey, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 6, 2016.

16-280SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to allow for Additional Fueling Pumps for a Service Station with a Convenience Store (7-Eleven), Located on the Southwest Corner of Wilmeth Road and Lake Forest Drive

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed specific use permit to allow for additional fueling pumps for a service station with fueling pumps and a convenience store. She stated that three additional letters of opposition were distributed to the Planning and Zoning Commission prior to this meeting. Ms. Galicia stated that the existing zoning on the subject property limits motor vehicle fuel sales to no more than four vehicles at one time regardless of the location of the pumps. She stated that it also permits up to eight vehicles to fuel at one time if the pumps are within 350' of two major arterials. Ms. Galicia stated that in order to allow for additional fueling pumps on the subject property a specific use permit must be granted. She stated that the applicant was allowed four pumping stations by right that allowed eight vehicles to be fueled at one time since the subject property is located within 350' of two major arterials. Ms. Galicia stated that the applicant was requesting approval of two additional pumping stations to allow for up to 12 vehicles to pump fuel at the same time through the specific use permit. She stated that Staff had concerns with the proposed fuel pump increase in such close proximity to single-family residential uses located south of the subject

property. Ms. Galicia stated that the closest proposed fueling pump to the southern property line was approximately 64'. She stated that the underground storage tanks are located approximately 18' from the southern property line. Ms. Galicia stated that in Staff's opinion the orientation of the building and the location of the fueling pumps and associated storage tanks do not mitigate the potential impacts of the use, such as noise and visibility. She stated that although the subject property is zoned for commercial uses, the Neighborhood Business District was intended for low intensity, neighborhood commercial uses. Ms. Galicia stated that the subject property was more suitable for neighborhood scale retail next to single-family residential uses and should be limited in the number of fueling pumps. She stated that Staff recommends denial of the proposed specific use permit to allow for additional fueling pumps on the subject property. Ms. Galicia stated that the applicant proposed additional landscaping and screening for the site. She stated that the applicant proposed to build an 8' masonry wall along the southern property line, instead of the minimum required 6' screening wall. Ms. Galicia stated that the applicant also proposed to plant canopy trees for every 24 linear feet, as opposed to the City's requirement which is one canopy tree for every 40 linear feet. She offered to answer questions.

Vice-Chairman Zepp wanted to clarify that the proposed use was acceptable on the property and that the additional number of pumps was why they were requesting the specific use permit. He also asked if there was any regulations on how far the storage tanks needed to be located on the property line. Ms. Galicia stated that currently the Zoning Ordinance does not have a requirement on where the fueling pumps or underground storage tanks can be located on a property. She stated that when a specific use permit is submitted, Staff evaluates how the layout is mitigating the impacts of the use. Ms. Galicia stated that Staff looks to see if the applicant is improving the site design to reduce the impacts of the use.

Alternate Commission Member McReynolds asked what was located directly to the west of the subject property. Ms. Galicia stated that the property to the west was zoned "BN" – Neighborhood Business District and was currently undeveloped. She also pointed out where the nearby residential development was located on the overhead.

Commission Member McCall wanted to clarify that what being considered for this specific use permit was only the two additional pumping station on the subject property. Ms. Galicia said yes. She also stated that if this specific use permit was approved, then the proposed layout of all of the proposed pumps would be approved.

Commission Member McCall asked if the specific use permit was not approved how far the nearest pump would be located to the southern property line. Ms. Galicia stated that by right the applicant could build up to four pumping stations on the subject property. She stated that the Planning Staff could not dictate exactly where the pumps could be located on the property.

Commission Member Mantzey asked if Staff felt that there could be a better alignment to the store and then Staff would be fine with the six pumping stations. Ms. Galicia stated that Staff felt that there could have been a better design to the site and gave an example of another location for the building and the fueling. She stated that the building could have been an additional buffer to the nearby residential uses located to the south.

Alternate Commission Member McReynolds asked if Staff had discussed this other option with the applicant. Ms. Galicia said yes; however, the applicant preferred this layout.

Commission Member McCall wanted to clarify that a specific use permit would still be required for the additional two pumps even if they had relocated the building on the south end of the property. Ms. Galicia said yes.

Mr. Tariq Mahadin, CEI Engineering Associates, 3030 LBJ Freeway, Dallas, TX, explained the proposed specific use permit request and gave a Power Point presentation. He stated that the additional fueling pumps would create less traffic waiting to fuel their vehicles. Mr. Mahadin stated that they looked at other possible layouts for the development; however, the others did not work for the site. He stated that if the back of the building was oriented towards the south property line then there would be approximately 20' – 30' of dark space, which could create some security issues. Mr. Mahadin stated that the storage tanks had originally been proposed for the north side of the property; however, the Fire Department did not approve that location due to the fire lane on the property. He stated that they met with the homeowners association (HOA)

for the residential property to the south of the subject property on November 3, 2016. Mr. Mahadin stated that there were seven residents present at the meeting and they expressed concerns regarding the security system, privacy, possible loitering, and lighting distribution. He stated that he felt that they had addressed their concerns. Mr. Mahadin stated that they proposed to build an extended 8' masonry wall along the southern property line for additional screening and propose to build it further west than originally planned to address some of the privacy concerns. He stated that they were proposing additional canopy trees to increase the screening, and address privacy and noise concerns. Mr. Mahadin displayed some architectural elevations for the proposed building on the overhead. He stated that they had a photometric study done to illustrate the lighting distribution and showed examples from that study on the overhead. Mr. Mahadin stated that they were proposing lighting fixtures that could be controlled, so that the surrounding residents were not disturbed. He stated that 7-Eleven spent \$40,000,000 on their security system and that included cameras with a 360 degree angle view. He stated that the subject property will be highly managed and maintained and that there should not be any loitering. Mr. Mahadin offered to answer questions.

Commission Member McCall asked Mr. Mahadin to explain why they were proposing the current layout. Mr. Mahadin stated that there was not enough space to flip the layout to have the fueling pump stations on the north side of the property and the building on the south side of the property. He stated that having the building located there also created some additional security concerns.

Alternate Commission Member McReynolds questioned why to layout could not be switched to face the other direction. Mr. Mahadin explained the spacing issues with the other layout.

Chairman Cox opened the public hearing and called for comments.

The following residents spoke in opposition to the request.

Ms. Helga Needham, 2904 Kirkwood Drive, McKinney, TX, stated that she was unaware that a service station with a convenience store was allowed on the property. She stated that she thought they might have a say in what could be built on the property. Ms. Needham expressed concerns regarding devaluating home values and various safety

concerns. She stated that she preferred to see a medical office on the property, since they were located near a hospital.

Mr. Ben Bowden, 5009 Old Oak Drive, McKinney, TX, stated that he did not want to see a gas station located on the property. He expressed various health concerns from the gas leaking into the soil, ground water contamination, and the chemicals being inhaled. Mr. Bowden stated that there were a lot of children that lived nearby and they were especially susceptible to such things. He expressed concerns about a decrease in surrounding property values. Mr. Bowden distributed a handout regarding vapor intrusion of volatile organic chemicals to the Planning and Zoning Commission.

Mr. Richard Steinfield, 5005 Old Oak Drive, McKinney, TX, stated that he concurred with the two previous speakers. He stated that he was unaware that a convenience store with fuel pumps could be located at this site. Mr. Steinfield expressed safety and crime concerns. He requested that a gas station not be allowed to develop on the subject property. Mr. Steinfield stated that he would welcome retail uses on the property; however, not a gas station.

Mr. Joseph Catanese, 5013 Diamond Peak Court, McKinney, TX, stated that he concurred with the previous speakers. He stated that he was unaware that a service station with a convenience store could be developed on the subject property. Mr. Catanese stated that he lived within 300' of the proposed gas station. He stated that according to what he read in the Department of Housing and Urban Development (HUD) Guidelines, it would be very difficult to receive a Federal housing Administration (FHA) or Veterans Administration (VA) loan when a property is located this close to a gas station. He stated that this could decrease the number of buyers for a property located near a gas station. Mr. Catanese also expressed concerns regarding health issues. He stated that of the four homeowners association (HOA) concerns that the applicant listed in their presentation, he was shocked that health concerns was not listed as their number one concern. Mr. Catanese read the following from Scientific American's website that stated gas stations can still pose significant hazards to neighbors, especially children and some of the perils include ground-level ozone caused in part by gasoline fumes. He stated that there are a lot of children that live on his block.

Mr. Elliot Neph, 5000 Diamond Peak Court, McKinney, TX, expressed concerns regarding decreased property values for adjacent properties, noises at night due to the facility being open 24 hours a day, and noises made during fuel and supply deliveries. He stated that his bedroom window would be approximately 35' – 40' from the underground fuel tanks.

Ms. Nina Bengé, 5016 Diamond Peak Court, McKinney, TX, stated that she did not purchase her property with the knowledge that a convenience store could be located behind her property. She stated that she thought the property was originally zoned for small business, small medical office, or daycare uses. Ms. Bengé expressed concerns that her property values will decrease if the proposed development is built on the subject property. She stated that this was going to be their retirement home in a beautiful neighborhood and city. Ms. Bengé stated that putting a convenience store in her backyard greatly distresses her.

Mr. Tom Hamilton, 9603 Custer Road, Plano, TX, turned in a speaker card in favor of the request; however, did not speak during the meeting.

On a motion by Commission Member Mantzey, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Alternate Commission Member McReynolds wanted to clarify that the only thing being considered with this specific use permit was the two extra fueling pumps. Ms. Galicia said yes.

Alternate Commission Member McReynolds stated that they can build a convenience store with four fueling pumps under the current zoning. Ms. Galicia said yes.

Alternate Commission Member McReynolds and Ms. Galicia discussed the setbacks on the property. Alternate Commission Member McReynolds questioned whether or not the layout could be adjusted to having the convenience store located near the southern property line and the gas pumps located towards the northing property line to move them further away from the surrounding residential properties. Ms. Galicia stated that it would need to be discussed with the applicant and drawn out to see if it was possible. Commission Member Cobbel stated that the applicant stated that the Fire

Marshal had nixed the fueling pumps on the north end of the property. Ms. Galicia stated that the only comment from the Fire Marshal was that he typically does not like the underground storage tanks to be located in the fire lane, since they could interfere with fire access.

Commission Member Cobbel stated that the southern boundary line is not straight, which might affect the setback area.

Vice-Chairman Zepp wanted to clarify when the current zoning was approved on the subject property. He stated that it appeared to have been zoned back in 2003. Ms. Galicia briefly stated that was correct and briefly explained the zoning on the property. She stated that the subject property had its current zoning prior to the surrounding residential properties being developed.

Vice-Chairman Zepp wanted to clarify that this was one of the many allowable uses under the current zoning and that the specific use permit was only looking at whether there could be two additional pumps added to the property. Ms. Galicia stated that was correct.

Mr. Mahadin stated that the developer was present if the Planning and Zoning Commission wished to ask him any questions.

Alternate Commission Member McReynolds stated that he could not think of any gas stations adjacent to residential uses in McKinney. He felt that there was usually some form or buffer that separated the fuel tanks from the residential properties.

Mr. Mahadin stated that they initially tried to locate the underground fuel tanks on the north end of the property; however, the Fire Marshal quickly replied that they would not allow it. He stated that there were also issues with the setbacks, so that layout did not work.

Chairman Cox stated that redesigning the layout of the proposed development was not appropriate at this meeting. He asked if anybody had a copy of the Fire Marshals comments. Ms. Galicia stated that she believe that the applicant had originally proposed the underground storage tanks in the fire lane, which is why the Fire Marshal commented that they could not have that layout with the storage tanks in that location. She stated that if the applicant could move the underground storage tanks further north and outside of the fire lane, then that might be a possibility.

Commission Member Cobbel wanted to clarify that if the specific use permit was denied that the applicant could still develop a service station with four pumps and a convenience store on the subject property. Ms. Galicia said yes.

Commission Member McCall asked if the two additional pumps were not approved, where the four pumps would be built on the subject property. Ms. Galicia stated that would be a question for the applicant. She stated that the Zoning Ordinance does not have a distance requirement.

Commission Member Cobbel wanted to clarify that Staff's main concern was the location of the underground storage tanks. Ms. Galicia stated that since the applicant was requesting a specific use permit to allow for two additional pumps, staff believes that there could have been a better layout design to better mitigate the impacts of the use. She stated that since you are adding additional pumps, you are adding additional traffic, noise, and nuisances to the residential uses located to the south of the subject property.

Commission Member McCall asked if the specific use permit was not approved, if the proposed canopy over the pumps would remain the same size as shown in this request. Ms. Galicia stated that the recommendation of the Planning and Zoning Commission would go to City Council for a final decision on December 6, 2016. She stated that if the specific use permit was approved by City Council, then the subject property would be constructed as shown per the proposed layout. She stated that if the specific use permit was denied by City Council, then the applicant would only be allowed to construct four fueling pumps on the subject property and they would then need to submit a site plan to the City. Ms. Galicia stated that the applicant could then show the fuel pumps at any location on the site.

Commission Member Mantzey stated that he agrees with Staff's recommendations. He stated that this is maximizing the space for presentation to Lake Forest and was detrimental to the residents located behind it. Commission Member Mantzey stated that the current zoning allows for four pumps and we cannot take that away. Commission Member McCall, Commission Member Kuykendall, and Alternate Commission Member McReynolds concurred with Commission Member Mantzey's comments.

On a motion by Alternate Commission Member McReynolds, second by Commission Member McCall, the Commission unanimously voted to recommend denial of the proposed specific use permit as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 6, 2016.

16-306Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "SF5" - Single Family Residential District, Located Approximately 785 Feet North of White Avenue and on the East Side of Community Avenue

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the governing zoning on the subject property primarily allows for office uses and the proposed zoning would allow for residential uses. Ms. Quintanilla stated that the applicant had indicated their intent to develop the subject property for single-family residential uses. She stated that the subject property was adjacent to existing single-family residential uses to the north, the Raytheon Company to the west, and existing commercial uses to the east. Ms. Quintanilla stated that while the properties located to the south were currently undeveloped, a record plat for a proposed townhome development and a site plan for a multi-family development had been approved on the properties. She stated that given the mid-block location, limited access to the property, and the existing and proposed residential uses adjacent to the property, Staff was of the professional opinion that development of non-residential uses could be challenging. She stated that Staff had no objection to the proposed rezoning request for single-family residential uses. Ms. Quintanilla offered to answer questions. There were none.

Mr. David Kochalka, Kimley-Horn, 5750 Genesis Court, Frisco, TX, explained the proposed rezoning request and gave examples of why the property was best suited for residential development instead of commercial uses. He stated that he agreed with a lot of the information included in the Staff report. Mr. Kochalka stated that he understood why the City wanted to protect their non-residential tax base. He felt that the market had grown up around the subject property and it would be best suited and most marketable as a residential property. Mr. Kochalka stated that there was a lot of flood plain and a

detention pond on the property, which left approximately 12 acres of usable space for development. He stated that since the property was located mid-block, was a rectangle shape, and was adjacent to residential uses; therefore, it was better suited for residential uses and not commercial uses. Mr. Kochalka stated that the only access was off of Community Avenue. He stated that they like the creek on the back of the property as an amenity for their proposed development. Mr. Kochalka stated that they were requested straight zoning with no modifications. He offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments.

Mr. Ed Burnett, 2317 Truro Drive, McKinney, TX, stated that his property was located next to the subject property. He stated that he would support having a single-family residential development on the subject property. Mr. Burnett had questions regarding the retaining pond on the property. Mr. Brian Lockley, Director of Planning for the City of McKinney, explained that the detention pond would be reviewed by Staff later during the civil and platting process. He explained that this request was only concerned with the zoning on the property. Mr. Lockley stated that Staff did not have the general layout of the development at this time. Mr. Burnett stated that he was interested in learning what size single-family homes were being proposed and the price point.

On a motion by Commission Member Mantzey, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Commission Member Mantzey wanted to clarify Staff's position on the rezoning request. Ms. Quintanilla stated that from a policy standpoint, recommendation of denial of the proposed rezoning request is based on lacking conformance to the City of McKinney's Comprehensive Plan and the City Council's goal of preserving and developing the non-residential tax base. She stated that the Future Land Use Plan map (FLUP) shows the whole area as office uses; however, the area had not developed that way. Ms. Quintanilla stated that Staff's professional opinion was that they have no objections to the proposed rezoning request as development of the entire property for non-residential uses may be challenging due to its limited access, the property's mid-block location, and the adjacent residential land uses to the north and future residential uses to the south, which makes the property more conducive to residential uses.

Commission Member Mantzey asked Mr. Kochalka about the possible products being proposed to be built on the subject property and the setback to the north. Mr. Kochalka stated that there would be a lot of similarities to Live Oak Creek development. He gave some examples of the possible home and sizes. Mr. Kochalka thought the price point would start about \$350,000 and above. He stated that there is a detention easement on the property that was solely for Live Oak Creek. Mr. Kochalka stated that they would work with the City of McKinney Engineering Department regarding the detention pond on the property. He stated that the function of the detention pond should not change and that there should not be any changes to the capacity, outfall, or increase in velocity.

Chairman Cox asked if the location of the detention pond might change. Mr. Kochalka stated that the location should not change; however, the shape might change. He stated that there were some expensive outfall structures that they do not want to touch.

On a motion by Vice-Chairman Zepp, seconded by Alternate Commission Member McReynolds, the Commission voted unanimously to recommend approval of the rezoning request and that that the subject property would need to develop in accordance with Section 146-106 ("SF5" – Single Family Residential District) of the Zoning ordinance and as amended, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 6, 2016.

16-225FR Conduct a Public Hearing to Consider/Discuss/Act on a Facade Plan Appeal for a Restaurant with Drive-Through Window (Hat Creek Burger), Located Approximately 610 Feet North of Stonebridge Drive and on the East Side of Custer Road

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed facade plan appeal to waive some of the City's architectural requirements. She stated that the request is for Hat Creek Burger, a restaurant with drive-through window. Ms. Quintanilla stated that the facade plan appeal was being requested due to the proposed western elevation not conforming to the requirements of the City's architectural standards for non-residential uses in non-industrial districts. She stated that the applicant had requested to utilize architectural wood accents in lieu of masonry as the primary finishing material on the western facade facing Custer Road. Ms. Quintanilla stated that that the western facade shows the proposed 66% architectural wood accents, of which

the maximum allowed percentage is 20%. She stated that due to this design, the western facade also did not meet the minimum 50% masonry requirement of either brick, stone, or synthetic stone. Ms. Quintanilla stated that the proposed western elevation currently has 34% stone. She stated that the western facade faced a fenced in outdoor children's playground. Ms. Quintanilla stated that the applicant had submitted an architectural rendering for informational purposes only. She stated that the western side of the structure would be an outdoor patio that was attached to the main building. Ms. Quintanilla stated that the applicant indicated in the letter of intent that the design creates a unique and identifiable element for the building, while also providing airflow and visibility to the playground. She stated that while Staff acknowledges that this building has a unique design concept, Staff did have some concern as to the unfinished nature of the slatted design. Ms. Quintanilla stated that the applicant had used stone and brick as the primary building materials on all other elevations of the building and had met the intent of the architectural standards. She stated that the other proposed elevations meet all of the requirements of the architectural standards. Ms. Quintanilla stated that a site plan for this project was approved by Staff on October 26, 2016. She stated that typically facade plans could be approved by Staff; however, the applicant was requesting approval of a facade plan appeal, which must be considered by the Planning and Zoning Commission. Ms. Quintanilla stated that Staff ultimately has no objections to the request and offered to answer questions.

Mr. Randy Barnett, 19111 Windmill Lane, Dallas, TX, explained the proposed facade plan appeal. He stated that they propose to build a playground structure on the other side of the dining area and gave some examples on the playground equipment. Mr. Barnett stated that they wanted to keep it open to allow the parents to see the children playing in this area and there would also be airflow. He stated that the remainder of the building complies with the City's standards. Mr. Barnett offered to answer questions.

Commission Member Cobbel wanted to clarify that there was an exterior wall of the dining portion of the building that was not being seen while looking at the western facade. Mr. Barnett said yes. He stated that wall was basically all glass that looked out onto the outdoor dining patio and playground area.

Commission Member Mantzey wanted to clarify that the playground structure was actually attached under roof and connected. Mr. Barnett said yes and that it would keep the rain off the children.

Commission Member Mantzey asked about the proposed wood exterior material. Mr. Barnett stated that it would be a premium stained cedar wood product treated with a weathering agent. He stated that the wood would be stained annually, so the wood would not weather and turn gray.

Commission Member Mantzey expressed concerns regarding unique fast food restaurants being proposed along Custer Road with office and residential uses nearby. He stated that most structures along Custer Road meet the City's architectural standards. Mr. Barnett stated that that they want to be good neighbors. He stated that the owners want to have a warm and inviting establishment for families with children. Mr. Barnett stated that they spent a lot of time and effort to create an area where parents could out on a covered outdoor patio and watch their children play.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Alternate Commission Member McReynolds stated that he liked the proposed uniqueness of the structure. He stated that the City had approved similar appeals for other restaurants. Alternate Commission Member McReynolds stated that the proposed building was done tastefully and with a quality of cedar on that exterior. He felt it would be a high-end product when completed.

On a motion by Commission Member McCall, seconded by Commission Member Cobbel, the Commission unanimously voted to approve the facade plan appeal as recommended by Staff, with a vote of 7-0-0.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Commission Member Kuykendall congratulated the Planning Department on receiving the Planning Excellence award at the 2016 Annual Texas Chapter of the American Planning Association Conference held in San Antonio, TX this past week. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that the award

recognized the support, education, and training of the Planning Department Staff due to the direction received from City Council and the Planning and Zoning Commission. He stated that generally only 20 – 30 cities received the award statewide.

There being no further business, Chairman Cox declared the meeting adjourned at 7:25 p.m.

BILL COX
Chairman