

Planning and Zoning Commission Meeting Minutes of October 11, 2016:

16-248SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Restaurant with Drive-Through Window (Victory @ Lake Forest), Located on the Northwest Corner of Collin McKinney Parkway and Lake Forest Drive

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed specific use permit request. She stated that the request was for a restaurant with a drive-through window. Ms. Galicia stated that the proposed 6,600 square foot building would be occupied by three different uses including medical office, retail, and a restaurant with a drive-through window. She stated that the property was currently zoned "C-1" – Neighborhood Commercial District and allowed for a restaurant with a drive-through window, subject to the approval of a specific use permit by the City Council. Ms. Galicia stated that the restaurant with the drive-through window would be located on the west side of the building. She stated that the drive-through would not have a menu board with a speaker, instead customers would place their order at the pickup window. Ms. Galicia stated that given the proposed layout and design there should be minimal noise from the use and should remain compatible with adjacent residential uses and appropriate in the proposed location. She stated that Staff recommends approval of the specific use permit to allow for a restaurant with a drive-through window. Ms. Galicia offered to answer questions. There were none.

Mr. Jonathan Schindler, Kirkman Engineering, 4821 Merlot Ave., Grapevine, TX, stated that they had worked diligently with Staff and the adjacent property owners. He offered to answer questions.

Commission Member Smith asked if any particular issues had been addressed when they met with the adjacent property owners. Mr. Schindler stated that they met with the two adjacent landowners to their west. He stated that they worked on a master plan to see how all three sites would layout when developed.

Chairman Cox opened the public hearing and called for comments.

The following four residents spoke in opposition to this request. They expressed concerns regarding having a dumpster near their backyards, bad smells from a dumpster, lack of privacy, bright lights, long hours of operation, possible rodents from the dumpster, increased traffic, increased noise levels, signage, changes to surrounding property values, and losing green space. They all stated that many of the residents grill and socialize with each other in their backyards and the neighborhood children play in the backyards. They all stated that the applicant had not spoken with them regarding the proposed development on the subject property. Most stated that their objection was to having a restaurant on the subject property.

- Mr. Tony Schievelbein, 5005 Buckland Dr., McKinney, TX
- Mr. Ridham Bhatt, 5001 Buckland Dr., McKinney, TX
- Mr. Darrell Roberson, 4913 Atworth Ln., McKinney, TX
- Mr. Sergio Lares, 4909 Atworth Ln., McKinney, TX

On a motion by Vice-Chairman Zepp, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Commission Member McCall asked about the notification process for the surrounding property owners. Ms. Galicia stated that Staff sends out public notices to property owners within 200' of the subject property. She explained that the property owners list used was created using the Collin Central Appraisal District's information for

the adjacent properties. Ms. Galicia stated that the applicant was also required to post zoning notification signs on the property.

Alternate Commission Member McReynolds wanted to clarify what was being considered in this request. Ms. Galicia stated that the proposed building on the subject property contains three different uses, two of which were allowed by right, and only the drive-through portion of the proposed restaurant was being considered for the specific use permit. She stated that the applicant had indicated that the restaurant use was some type of bakery; however, had not named a specific tenant.

Vice-Chairman Zepp asked if a bakery and restaurant use was permitted under the current zoning. Ms. Galicia said yes. She stated that the drive-through window was what was requiring the specific use permit.

Commission Member Mantzey asked if there were any requirements to the hours of operation. Ms. Galicia stated that Planning Staff did not enforce hours of operation.

Commission Member Kuykendall expressed concerns about the hours of operation and traffic with the drive-through window being so close to the surrounding residents.

Mr. Schindler stated that Shipley Donuts was the intended tenant. He stated that he was not familiar with their operating hours; however, he felt it would be more of a morning business instead of late night business.

Ms. Galicia stated that the proposed building was single story and 26 feet in height. She stated that the applicant would be required to construct a screening device along the northern property line. Ms. Galicia stated that the applicant proposed a 6' masonry wall. She stated that the applicant was also required to provide a 10' landscape buffer and briefly described the landscaping that would be planted. She stated that the City also had lighting requirements that would restrict the glare of the lighting on the subject property

onto adjacent properties. Ms. Galicia stated that the applicant would be required to go through the civil review process where any traffic concerns would be addressed. She stated that Staff would not be able to weigh in on the financial impact of the proposed development.

Chairman Cox asked if there was a way that residents could track the process of the request. Ms. Galicia stated that there were several ways for citizens to follow the progress of a request. She gave the following examples: contact Staff to discuss the request, GIS interactive web viewer is a map available on the City of McKinney website that shows active cases, and the Master Plan Case List that is available on the City's website is updated every two weeks with the new development applications submitted for review with the City of McKinney Planning department.

Commission Member Kuykendall asked what type of mechanism was in place if the dumpster became an issue for the surrounding residents. Ms. Galicia stated that she could not think of anything to help eliminate any potential odors; however, she stated that the proposed location of the dumpster worked best for the layout of the proposed site. Ms. Galicia stated that this is a commercial tract that allows commercial uses by right. She stated that Staff would typically not tell the applicant where they have to locate the dumpster as long as they were meeting the City's minimum requirements listed in the City of McKinney Zoning Ordinance.

Vice-Chairman Zepp asked if the use dictated the access to Lake Forest Drive and Collin McKinney Parkway. Ms. Galicia said no. She stated that access was dictated by the requirements of the Engineering department. Ms. Galicia stated that the City typically requires each site have two points of access. She stated that this was the only place on the subject property where they could locate the driveway and meet the City's driveway

spacing requirements. Ms. Galicia stated that they had a mutual access easement onto the adjacent property which gave them access onto Collin McKinney Parkway.

Vice-Chairman Zepp asked if the drive-through window would be located on the far west side of the property. Ms. Galicia said yes. She stated that they would not have a menu board and speaker.

Vice-Chairman Zepp asked if the traffic to get to the drive-through window would go along the back. Ms. Galicia said yes.

Commission Member McCall asked if this specific use permit was approved if later they decided to add a menu board and speaker if another specific use permit would be required. Ms. Galicia said yes and gave details of what else would be required on the site to allow it.

Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that the City of McKinney Code Department would be who the surrounding residents needed to contact when issues regarding a dumpster occurred and gave some examples.

Commission Member Kuykendall asked Mr. Schindler if he had reached out to the surrounding residential property owners to discuss the proposed development. Mr. Schindler stated that they had not contacted the surrounding residential property owners; however, had worked with the adjacent commercial property owners. He stated that they intend to comply with the City's requirements.

Commission Member Mantzey stated that he would not want idling cars stacked in his backyard. He stated that a donut store could not survive without a drive-through. Commission Member Mantzey stated that the proposed drive-through was sacrificing the resident's value.

Commission Member McCall stated that all of the adjacent residential property owners came out to speak in opposition to this request. He stated that he would not want a drive-through in his backyard.

Commission Member Kuykendall expressed concerns about the issues the surrounding property owners mentioned and how it was going to directly impact them.

Mr. Schindler stated that they were sympathetic to the adjacent landowners. He stated that there was going to be a screening wall and landscaping buffer. Mr. Schindler stated that there were not more options available on the site.

Vice-Chairman Zepp stated that this was a tough site to place this type of operation. He stated that the drive-through changed the expectations that the surrounding neighbors had for the subject property.

Ms. Schindler stated that they understand the concerns. He stated that was one of the reasons they decided not to have a menu board with a speaker on the property. Vice-Chairman Zepp stated that commended the applicant on his efforts; however, he still did not find the site suitable for a drive-through window.

On a motion by Vice-Chairman Zepp, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to recommend denial of the specific use permit, 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 November 1, 2016.