

**Planning and Zoning Commission Meeting Minutes of January 10, 2017:**

**16-373Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, Located on the Northeast Corner of Virginia Parkway and Carlisle Road**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone the subject property from "PD" – Planned Development District to "C1" – Neighborhood Commercial District, generally to allow for commercial uses. Ms. Quintanilla stated that the governing zoning on the subject property requires the site to develop as "C" – Planned Center District, which generally allows for commercial uses. She stated that there were some special provisions within the governing zoning. Ms. Quintanilla stated that there were some excluded permitted uses, such as gasoline service station, specifically food store, and car wash. She stated that there was a second provision that required a specific use permit be granted to allow for clinic, doctor, and dentist office. Ms. Quintanilla stated that a third provision required that the site develop as one site plan in relation to the arrangement of the buildings. She stated that the applicant's intent was to develop in a neighborhood commercial manner with single buildings that were not necessarily in relationship to one another. Ms. Quintanilla stated that was different from what the existing zoning requires. She stated that the proposed zoning district allows for less intensive uses than what is currently provided in the zoning district. Ms. Quintanilla discussed the adjacent land uses. She pointed out that there were churches located to the north and west, multi-family residential uses to the east, and a church and small

offices located to the south of the subject property. Ms. Quintanilla stated that it was Staff's professional opinion that the proposed commercial uses would remain compatible with the adjacent land uses and was an appropriate location for the proposed rezoning request. She stated that Staff recommended approval of the proposed rezoning request and offered to answer questions.

Commission Member Cobbel asked for clarification on the possible uses that would be allowed under the proposed rezoning request. Ms. Quintanilla stated that the current zoning on the property allowed for a multitude of uses. She stated that the proposed "C1" – Neighborhood Commercial District which would allow for less intense commercial uses. Ms. Quintanilla stated that the existing ordinance allows for a daycare, indoor theater, hotel, et cetera by right; however, the "C1" – Neighborhood Commercial District did not allow it or would require a specific use permit.

Commission Member Cobbel asked if there were two nearby schools. Ms. Quintanilla confirmed that they were located nearby.

Mr. Randy Hullett; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; concurred with the Staff report and stated that Staff did an excellent job explaining the request. He explained the proposed rezoning request. Mr. Hullett stated that the requested rezoning is based on the fact that the current "PD" – Planned Development District requires the entire property to develop as a single retail unit with a single site plan, similar to a shopping center development. He stated that the uses along Virginia Parkway in this area consists primarily of office uses and neighbor services, as opposed to retail establishments. Mr. Hullett stated that the nearby uses were generally small lot, row, or single building structures. He stated these would not be permitted under

the current zoning on this property. Mr. Hullett stated that the location of the subject property was not conducive to a unified retail center, especially given the capacity and location of the adjacent roadways. He stated that one of these roadways feeds into Slaughter Elementary School, which was located just north of the subject property. Mr. Hullett stated that the proposed rezoning request would generally allow for less intensive uses than what was currently allowed under the existing zoning. He requested a favorable recommendation and offered to answer questions. There were none.

Chairman Cox opened to public hearing and called for comments.

Ms. Jane Tang, Virginia Oak Venture, LLC, 2520 Virginia Parkway, McKinney, TX, spoke in opposition to the rezoning request. She stated that the current zoning has restrictions on the hours of operation that she felt was in consideration for the nearby churches. Ms. Tang stated that she spoke with the pastor and some of the leaders of the Our Savior Lutheran Church about the request. She stated that they were not aware of this agenda item. Ms. Tang asked that the proposed rezoning request be tabled to allow them more time to research into the proposed rezoning request. She expressed concerns about a possible shopping center that could have tenants selling items that might be inappropriate near churches and schools.

Chairman Cox wanted to clarify who Ms. Tang represented. Ms. Tang stated that she represented the Virginia Oak Apartments.

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

Commission Member Cobbel asked if the adjacent property owners would have received notices about the proposed rezoning request. Ms. Quintanilla said yes and that she had a list of the property owners that were sent public notices by mail.

Commission Member Cobbel asked if zoning signs were posted on the subject property. Ms. Quintanilla said yes and that the signs were posted in a timely manner.

Commission Member Mantzey had questions regarding the proposed "C1" – Neighborhood Commercial District. Ms. Quintanilla stated that there was a provision in the existing ordinance for any restaurant with a private club restricting them to opening at noon on Sundays. She stated that under the proposed "C1" – Neighborhood Commercial District if someone wanted to open a restaurant with a private club on the property, then they would be required to obtain a specific use permit.

Commission Member Cobbel wanted to clarify that the proposed "C1" – Neighborhood Commercial District was more restrictive than what is currently allowed on the property under the current zoning. Ms. Quintanilla said yes. She stated that the current "C" – Planned Center District on the subject property generally allowed commercial uses. Ms. Quintanilla stated that the proposed rezoning request would take away a lot of the current uses allowed by right on the property.

Commission Member Smith stated that the "C1" – Neighborhood Commercial District seemed to be designed to be more neighborhood friendly and blended in with the surrounding uses. Ms. Quintanilla stated that was correct. She stated that it was a less intense commercial district.

Commission Member Smith asked about the uses in the "C1" – Neighborhood Commercial District that would require a specific use permit. Chairman Cox and Ms.

Quintanilla stated that it was a long list. Ms. Quintanilla stated that there was a lot of uses allowed by right under the existing zoning and not as many specific use permits required, with the exception of a clinic, doctor, and dentist offices.

Vice-Chairman Zepp stated that the Texas Alcoholic Beverage Commission (TABC) has a requirement that any type of establishment serving alcohol cannot be located within a certain distance from a school or church. Ms. Quintanilla stated that was correct. She stated that they would not be allowed within 300' of a school or church. Ms. Quintanilla pointed out that the subject property was bound by adjacent schools and churches.

On a motion by Commission Member Cobbel, seconded by Commission Member McCall, the Commission voted unanimously to recommend approval of the proposed rezoning request as conditioned in the Staff report, 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 February 7, 2017.