

## PLANNING AND ZONING COMMISSION

JANUARY 10, 2023

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, January 10, 2023 at 6:00 p.m.

City Council Present: Rick Franklin

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Russell Buettner, Steve Lebo, Bry Taylor, Charles Wattley, and Eric Hagstrom – Alternate Member

Commission Members Absent: Scott Woodruff and Aaron Urias – Alternate Member

Capital Improvements Advisory Committee Member Present: Steve Wilson

Staff Present: Director of Planning Jennifer Arnold; Planning Manager Caitlyn Strickland; Senior Planner Kaitlin Sheffield; Planners Jake Bennett, Lexie Schrader, and Araceli Botello; and Administrative Assistant Terri Ramey

There were approximately 30 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.

Chairman Cox called for the Chairman Cox called for the Information Sharing Item. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, gave a brief presentation. No action was taken.

### **22-1199** Director's Report

Chairman Cox called for the Consent Agenda. The Commission unanimously approved the motion by Commission Member Lebo, seconded by Vice-Chairman Mantzey, to approve the following Consent item, with a vote of 7-0-0.

### **22-1200** Minutes of the Planning and Zoning Commission Regular Meeting of December 13, 2022

END OF CONSENT AGENDA

Chairman Cox called for the Plat Consideration under Texas Local Government Code Chapter 212. The Commission unanimously approved the motion by Vice-Chairman Mantzey, seconded by Commission Member Wattley, to follow Staff's recommendations on the following seven plat requests, with a vote of 7-0-0.

**22-0239PP2** Consider/Discuss/Act on a Preliminary Plat for Province Woods, Located in the McKinney Extraterritorial Jurisdiction (ETJ), On the East Side of Trinity Falls Parkway and approximately 1,834 feet South of Olympic Crossing

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**22-0251PP** Consider/Discuss/Act on a Preliminary Plat for the Lot 1, Block 1, of 161 West Addition, Located in the McKinney Extraterritorial Jurisdiction (ETJ), On the West Side of County Road 161 (Ridge Road) and approximately 1,500 feet North of County Road 124 (Wilmeth Road)

**22-0252FP** Consider/Discuss/Act on a Final Plat for Honey Creek Phase 2 Addition, Located on the South Side of Olympic Crossing and Approximately 750 Feet East of Hardin Boulevard

**22-0254FP** Consider/Discuss/Act on a Final Plat for Mill Stream Addition, Lot 1, Block A, Located on the Northeast Corner of Community Avenue and Wilmeth Road

**22-0257CVP** Consider/Discuss/Act on a Conveyance Plat for Lots 1R1, 2R2, and 2R3, Block A, of the Parcel 813B Addition, Located on the Southwest Corner of Eldorado Parkway and Stonebridge Drive

**22-0259FP** Consider/Discuss/Act on a Final Plat for Lot 1 and 2, Block A of the McKinney Bluff Addition, Located in the McKinney Extraterritorial Jurisdiction (ETJ), On the East Side of FM 1827 and Approximately 550 Feet North of Surrey Estates Road

END OF PLAT CONSIDERATION UNDER TEXAS LOCAL GOVERNMENT CODE  
CHAPTER 212

Chairman Cox called for the consideration of the Regular Agenda Items and Public Hearings.

**22-0061Z** 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, Located approximately 335 Feet South of Silverado Trail and on the East Side of Alma Road (REQUEST TO BE TABLED)

Mr. Jake Bennett, Planner I for the City of McKinney, stated that Staff recommends that the public hearing be continued and the item tabled to the January 24, 2023 Planning and Zoning Commission meeting per the applicant's request for additional time to meet with adjacent property owners. 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 Lebo, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to continue the public hearing and table the request to the January 24, 2023 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

**21-0041SP** Conduct a Public Hearing to Consider/Discuss/Act on Design Exceptions for a Site Plan for a Brewpub (Union Bear), Located at 308 W Virginia Street

Ms. Caitlyn Strickland, Planner Manager for the City of McKinney, explained the site plan request with some design exceptions listed in the Staff Report. She stated that the applicant proposes to restore one of the last commercial corners of the westernmost portion of the MTC while maintaining the integrity of the existing historic building. Though several Design Exceptions have been requested; requiring the building form, site and design standards listed in the Staff Report would prohibit this redevelopment concept from being achieved. Ms. Strickland stated that given its location, and the fact that the existing building is listed as a high priority building on the City's Historic Resources Survey, Staff feels that the proposed redevelopment plan allows for

redevelopment of the building largely within its existing footprint in a way that helps to energize McKinney's downtown and maintain much of the historic context and character of the area. She stated that Staff recommends approval of the request and offered to answer questions. Vice-Chairman Mantzey inquired if the applicant recently went before the Historic Preservation Advisory Board (HPAB) for this proposed development. Ms. Strickland stated that the HPAB approved the Certificate of Appropriateness (COA) request for this site at the Thursday, January 5, 2023 meeting. Vice-Chairman Mantzey asked if this would increase parking with this proposal. Ms. Strickland stated that it would be better organized and lined. She stated that they would have access to the nearby City's structure parking. Vice-Chairman Mantzey asked if applicant has other businesses in Downtown McKinney. Ms. Strickland stated that the property owner also owns and operates Cadillac Pizza and The Yard in Downtown McKinney. Vice-Chairman Mantzey asked if applicant was aware of the City's noise ordinances. Ms. Strickland said yes. Vice-Chairman Mantzey asked if other two locations had been cited for code violations for not following the City's ordinances. Ms. Strickland was unaware of any citations given to the other two restaurants owned by the applicant. She stated that the proposed site has sat vacant for years. Commission Member Buettner asked if the residents to the north had expressed any concerns about the proposed project. Ms. Strickland stated that they had comments regarding noise and screening. She stated that the applicant would be providing a screen wall and evergreen shrubs next to the adjacent residential property. Ms. Strickland stated that the applicant will also be working with the adjacent property owner to protect a large tree on their property. Vice-Chairman Mantzey asked if currently there was a chain-link fence between the two properties. Ms. Strickland stated that was correct. Mr. Preston Lancaster, 2591 Dallas Parkway, Frisco, TX; Ms. Elizabeth "Liz" Johnson, Architect with Wallace Johnson Studio, 6500 Greenville Avenue, Dallas, TX; and Ms. Alicia Tomlin Barsoum, General Contractor with Gilmon Fox, 122 Rose Lane, Frisco, TX; explained the proposed request. Mr. Preston stated that they have owned this building for two years. Ms. Johnson discussed how prices had increased during the past two years and how that affected the project. Ms. Barsoum stated that the proposed site plan was careful thought out to consider the neighbors and gave examples. They offered to

answer questions. Commission Member Buettner asked for the net change in parking spaces at the site. Ms. Johnson stated that it would be hard to calculate how many parking spaces are currently available on the site due to there being no parking lines on the lot, which makes it non-compliant with the City's parking standards. Commission Member Lebo inquired about the proposed fencing. Ms. Johnson stated that they proposed black wrought iron fencing between 6' masonry columns with Nellie R Stevens holly shrubs planted between the columns for a high-end residential feel. Commission Member Wattley asked if there would be speakers in the patio area. Mr. Lancaster stated that they were planning to have outside speakers for the patio; however, they would not be facing towards the neighbor's property to the north. He stated that there would not be live music outside. Committee Member Wattley asked about the proposed outdoor area near the property to the north. Ms. Johnson stated that they propose to have a seating area around fire pits and possible games. Mr. Lancaster stated that the hours of operation would be similar to The Yard's hours of operation, which has some residential neighbors adjacent to that location. Chairman Cox opened the public hearing and called for comments. Mr. Steve Van Landingham, 205 N. Church Street, McKinney, TX, spoke in support of the project. He had concerns regarding hours of operation, outside noises, screening, trash enclosure, and rodent control. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Wattley, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Alternate Commission Member Hagstrom asked about the light ordinance. Ms. Strickland briefly discussed the lighting ordinance and how it is set up to reduce light pollution on adjacent neighbor's properties. Vice-Chairman Mantzey asked if the current zoning allowed for a restaurant to be on the property. Ms. Strickland said yes. Vice-Chairman Mantzey wanted to clarify that they were considering a site plan due to the requested variances needed to keep the original footprint of the existing historic building. Ms. Strickland stated that the Commission was looking at the design exceptions due to the applicant wanting to keep the integrity of the existing building. Chairman Cox asked about the proposed screening between the current property and the adjacent residential property to the north. Ms. Strickland stated that there would be evergreen shrubs with a wrought iron fence with masonry columns at set intervals, plus

enhanced landscaping on the site. Chairman Cox asked if the proposed use would be required to follow the City's noise ordinance. Ms. Strickland said yes. Commission Member Lebo inquired about rodent control for the site. Ms. Strickland stated that the trash should be picked up on a regular basis. Mr. Lancaster stated that they currently use Ecolab Pest Control for their restaurants. Ms. Barsoum discussed some of the measures that they currently do for rodent and pest control. Vice-Chairman Mantzey spoke in favor of the request. He liked that the Historic Preservation Advisory Board (HPAB) had already approved the Certificate of Appropriateness (COA) request for this development. Vice-Chairman Mantzey like that the footprint of the building would be the same. He stated that this would improve a neglected building in Downtown McKinney. On a motion by Vice-Chairman Mantzey, seconded by Alternate Commission Member Hagstrom, the Commission unanimously voted to approve of the request per Staff's recommendation, with a vote of 7-0-0.

**22- Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for  
0085SP2 McDonald Street Multifamily, Located at 3352 North McDonald Street**

Mr. Jake Bennett, Planner I for the City of McKinney, explained the proposed site plan and screening variance. He stated that per the City Ordinance, a 6' tall masonry screening wall is required along all side and rear property lines. Mr. Bennett stated that the variance request for this project is to not provide the 6' tall masonry screening device along the eastern property line of the subject property. He stated that along the eastern property line there is a creek, floodplain, and heavily wooded area. Mr. Bennett stated that the property line is within the creek, it creates an irregular boundary that is substantially different compared to typical sites. He stated that the property on the other side of the creek is currently undeveloped and zoned for light industrial and office uses. Mr. Bennett explained that the eastern property line on the site is the only area not to be screened according to code and that all other required screening would be provided on-site. He stated that the request meets all four of Section 146-132's criteria to allow for the requested variance. Mr. Bennett stated that in the new Unified Development Code (UDC), the applicant would not be required to provide the masonry wall adjacent to the wooded area and the floodplain. He stated that it is Staff's opinion that the variance will have no adverse impact on adjacent properties due to the existing conditions of the site.

Mr. Bennett stated that Staff recommends approval of the proposed variance. He stated that the multi-family use is allowed on the subject property, and the only reason for the public hearing is for the screening variance request along the eastern boundary. Vice-Chairman Mantzey wanted to clarify that there would be a 6' masonry screening wall between the proposed apartments and the adjacent residential properties. He asked if the only break would be the emergency access point to the north and would be gate controlled. Mr. Bennett stated that was correct. He stated that the primary entrance to this site would be on the western side of the property. Vice-Chairman Mantzey asked if the applicant was building under the old Unified Development Code (UDC). Mr. Bennett stated that was correct. He stated that if they had submitted under the new Unified Development Code (UDC), then the variance request could have been approved at the Staff level. Vice-Chairman Mantzey stated that the property is already zoned for multi-family uses. He asked if there were any other variances requests for this site. Mr. Bennett said no. Mr. Jonathan Hake, Cross Engineering, 1720 W. Virginia Parkway, McKinney, TX, concurred with the Staff Report. He reiterated that the rear entry would be for emergency use only. Mr. Hake stated that all residential access would be from the front, off McDonald Street. He offered to answer questions. Vice-Chairman Mantzey asked if the 6' masonry fence would pick up on the other side of the fire access and continues. Mr. Hake stated that the fence would cover all improvements. He stated that the variance request was for the area just past this point. Commission Member Buettner asked about the proposed ornamental metal fencing. Mr. Hake stated that they were proposing a gated community, so there would be an ornament fence to secure the property along the eastern property line. Mr. Bennett pointed out that the location of the ornamental fence and stated that the remainder of the property would have the proposed masonry fencing. Chairman Cox opened the public hearing and called for comments. The following three residents spoke in opposition to the request. They expressed concerns regarding increased traffic; access to McDonald Street; increased foot traffic; access to the emergency access gate; loss of wildlife habitat; loss of native grasses and wildflowers; increased trash and runoff; light, noise, and waste pollution; property damage; and preferred that a park be built on the subject property.

1. Mr. Matthew Papillion, 408 Twin Knoll Drive, McKinney, TX
2. Ms. Katherine Potter, 620 Twin Knoll Drive, McKinney, TX
3. Kayla Meadows, 608 Twin Knoll Drive, McKinney, TX

The following residents filled out speaker cards in opposition to the request; however, did not wish to speak during the meeting.

1. Andrew & Ruth Ingram, 604 Twin Knoll Drive, McKinney, TX
2. Keir Peterson, 516 Crystal Falls, McKinney, TX

On a motion by Vice-Chairman Mantzey, seconded by Commission Member Taylor, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey asked for clarification on the proposed emergency access to the subject property. Mr. Bennett stated that over half of the multi-family projects submitted to the City proposed similar emergency access areas. He stated that it is not a community access area. Mr. Bennett stated that it is strictly for emergency vehicles. He stated that the gate would be locked with a lock box and alarm on it. Mr. Bennett reiterated that emergency personnel would be the only people with access to the lock box and gate. Chairman Cox asked about the proposed entrance off McDonald Street. Mr. Bennett stated that they proposed a large entrance with a median between the entrance lanes and exit lanes of the property. Commission Member Lebo felt the applicant was being very conservative in the placement of ornamental fencing to preserve the green area. He stated that the applicant could enclose part of the green area if they wanted to inside a masonry fence. Mr. Bennett stated that the applicant does have the opportunity to install a masonry wall around the entire subject property, up to the creek. He stated that by doing this it would impact the trees, floodplain, and probably the water quality. Mr. Bennett stated that proposing an ornamental fence pulled back off the floodplain and preserving the trees by the creek is more beneficial substitute. He stated that there would not be a gate on the eastern property line. Chairman Cox asked who oversaw determining if a traffic light could be installed on McDonald Street (Highway 5). Mr. Bennett stated that would be Texas Department of Transportation (TxDOT). Vice-Chairman Mantzey stated that he understood the resident's concerns; however, felt that the residents did not want multi-family to be placed on the subject property. He stated that the subject property is already zoned for



multi-family. Vice-Chairman Mantzey stated that the question before the Commission tonight was regarding the variance request for eastern boundary of the property. He stated that the proposed wrought iron fence would be less impactful. Vice-Chairman Mantzey stated that under the new Unified Development Code (UDC) this would be a Staff approval item. He felt that it just makes sense overall. He was in favor of the proposed site plan with the variance request. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Lebo, the Commission unanimously voted to recommend approval of the proposed request per Staff's recommendation, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to City Council for consideration at the February 7, 2023 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 or Staff comments. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, briefly discussed the Focus North Texas Symposium being held on Friday, February 3, 2023 in Grapevine, TX.

On a motion by Alternate Commission Member Hagstrom, seconded by Commission Member Taylor, 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 7:08 p.m.

The video recording of the meeting is available online through the City of McKinney video archives.

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BILL COX  
Chairman