

Planning and Zoning Commission Meeting Minutes of March 26, 2019:

18-0015SUP2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for Automobile Sales, Repair, and Storage Uses (McKinney Dodge), Located at the Northwest Corner of Rockhill Road and U.S. Highway 75 (Central Expressway). Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed specific use permit request. He stated that this specific use permit request is related to the previous rezoning case. Mr. Wilson stated that the applicant is requesting a specific use permit to allow for an automobile dealership (McKinney Dodge) at the northwest corner of Rockhill Road and U.S. Highway 75 (Central Expressway). He stated that although the current zoning on the subject property does not allow for car dealerships, the proposed zoning district, "C3" – Regional Commercial District, requires that a specific use permit (SUP) be granted in order for such uses to be operated on the subject property. Mr. Wilson stated that as a part of this specific use permit request, the applicant has submitted a site layout exhibit detailing the building and parking locations, as well as, internal site circulation, landscaping details, and preliminary engineering plans. He stated that the specific use permit request meshes with the Comprehensive Plan and fits in well with the current development pattern in the surrounding area given that the adjacent site is a car dealership. Mr. Wilson stated that the natural buffer of Jean's Creek, in addition to the dense tree line and flood plain, provides separation between the existing single family subdivision and the subject property. He stated that

the applicant is also seeking a variance to waive the screening requirements for overhead doors oriented towards public right-of-way in retail districts. Mr. Wilson stated that applicant is proposing to plant canopy trees at a denser ratio of one canopy tree for every 25 linear feet along Rockhill Road and U.S. Highway 75 (Central Expressway) as an alternate screening device. He stated that the proposed tree planting arrangement will provide a more dense screening effect than that of the typical ratio of one canopy tree every 40 linear feet. Mr. Wilson stated that the use of landscaping for screening along the street frontage has the additional benefit of blending in with the existing site design rather than creating an odd and disconnected feel with a section of wall being located at the street. He stated that Staff is of the opinion that the proposed density of trees and the slope of the property away from U.S. Highway 75 (Central Expressway) street frontage will adequately screen the view of the overhead doors from the rights-of-way. He stated that based on the parameters and conditions mentioned, Staff believes that the site is appropriate for the proposed use and is compatible with existing land uses of the adjacent properties. Mr. Wilson stated that Staff recommends approval of the specific use permit with the variance request and offered to answer questions. Commission Member Haeckler asked for clarification on the location of the proposed overhead doors. Mr. Wilson pointed out the location over the overhead doors facing the right-of-way on the exhibit displayed during the meeting. He stated that a six-foot masonry wall is proposed on the north and west side of the subject property. Mr. Wilson stated that the applicant is proposing to plant canopy trees at a denser ratio of one canopy tree for every 25 feet

along Rockhill Road and U.S. Highway 75 (Central Expressway) to mitigate the screen on the overhead doors. Commission Member Taylor asked what was defined as a canopy tree. Ms. Pickett stated that the canopy trees will be 12 feet tall and four inches in caliper at planting. Commission Member Haeckler asked if Staff felt that the screening requirements would not change after the flood plain was reviewed. Mr. Wilson stated that screening would be accounted for depending on the outcome of the flood plain study. Vice-Chairman Mantzey asked Staff to discuss the lighting requirements and how it would affect the adjacent residential residents. Mr. Wilson stated that lighting will be reviewed during the commercial building plan comes in for plan review. He stated that it would be addressed by the City's Commercial Plan Examiners. Mr. Wilson stated that residents could contact the City's Code Department with any complaints about the lighting. Vice-Chairman Mantzey asked if the City's lighting ordinance requires that the lighting be kept on their property and not bleed over to the adjacent residential properties. Mr. Wilson said yes. Commission Member Haeckler asked if Staff knew the maximum height of the allowable lighting. Mr. Wilson did not have that information. Mr. Matt Moore, ClayMoore Engineering, 301 S. Coleman, Prosper, TX, explained the proposed specific use permit request. He stated that this would be an expansion of McKinney Dodge, which had been located here for over 20 years. Mr. Moore stated that McKinney Dodge does not have the capacity to continue to operate the way that they need to with the growth that McKinney Dodge has experienced at their current location. He stated that the subject property is the next step for their development. Mr. Moore stated that they were

proposing a 26,000 square foot standalone Jeep dealership and their corporate offices. He stated that they had worked with the Engineering Department over the past several months on a flood study on Jean's Creek that has been approved by Staff. Mr. Moore stated that they have a significant buffer, with the creek and the amount of proposed landscaping, to the adjacent residential properties. He stated that the proposed building was approximate 170 feet from the adjacent residential properties. Mr. Moore stated that they were trying to be mindful of the adjacent neighbors. He stated that they were proposing LED lights and would give them the opportunity to put them on dimmers and/or timers to help regulate the light levels when they are not in business. Mr. Moore stated that they would work with the neighbors to ensure that there is not a lot of light trespass. He offered to answer questions. There were none. Vice-Chairman Mantzey opened the public hearing and called for comments. Mr. Floyd Rogers, 105 Poppy Lane, McKinney, TX, stated that he lives directly across the creek from the subject property. He felt that the subject property would need to be built up to allow them to develop within the flood plain area. Mr. Rogers asked what will happen to the other side of Jean's Creek when this is done. He asked what plans are being made for the flood water runoff. Mr. Rogers asked if they were planning to build a retention pond. Mr. Andrei Constantinescu, 103 Poppy Lane, McKinney, TX, stated that his property is next door to Mr. Roger's property and has lived there since 2013. He stated that his children love playing outdoors in the backyard, the wildlife, and scenic views. Mr. Constantinescu stated that he was not opposed to the rezoning of the property or the proposed automobile dealership.

He stated that he has concerns regarding erosion, run-off, reshaping of Jean's Creek, current flooding issues, excessive lighting, and noise pollution. Mr. Constantinescu stated that he is thankful for the tree line along Jean's Creek and the additional proposed landscaping. He stated that a six-foot wall may not be suitable enough and suggested that it be increased to eight – ten feet tall to protect their houses from the light and noise pollution. Ms. Danielle McCaslin, 109 Poppy Lane, McKinney, TX, stated that she has a great group of neighbors. She stated that there were some elderly neighbors that were not able to attend the meeting. Ms. McCaslin stated that they love the natural look of the area around their properties. She stated that she was concerned that the proposed screening wall would not be adequate enough to maintain the privacy and natural feel that they currently have. Ms. McCaslin stated that there are a lot of tall, old trees that will eventually perish. She felt that there needs to be a larger amount of trees and landscaping planted. Ms. McCaslin also expressed flooding and lighting concerns. She stated that they have small children that can run and play on the safest block. Ms. McCaslin stated that the proposed development will bring a lot more traffic to their block. She asked if additional signage needs to be installed to reduce traffic. Ms. McCaslin stated that individuals test driving vehicles speed through their double cul-de-sac block looking for a way out. She stated that the young children in the neighborhood do not watch for vehicles like they maybe should. Ms. McCaslin expressed that signage, screening, flooding, traffic, and noise need to be carefully considered. On a motion by Commission Member Haeckler, seconded by Commission Member Kuykendall, the Commission voted to close the

public hearing, with a vote of 5-0-1. Chairman Cox abstained. Commission Member Doak stated that the applicant was going above and beyond on planting the extra trees in the back of the property. He asked Mr. Moore what the hours of operation would be for the automobile dealership. Mr. Moore stated that it would be open from 8:30 a.m. until 8:30 p.m. Monday – Saturday and closed on Sundays. Commission Member Doak asked if they would consider building a higher screening wall. Mr. Moore stated that the subject property drops down severely towards the creek. He stated that the screening wall was currently proposed along the erosion hazard setback in the flood plain area. Mr. Moore offered to move the screening wall up to the edge of the parking, which would be at a higher elevation. He felt that would screen the site better. Ms. Pickett stated that the property line is within the creek and stated that this would be an alternative option. Mr. Moore stated that they prefer to keep the screening wall at a six-foot height. He stated that the proposed landscaping would create the nice green scape. Commission Member Doak stated that he did not see why the dealership would need to illuminate the area towards the adjacent residential properties. Mr. Moore stated that the LED technology is much more improved than the more traditional lighting. He stated that they would be fully shielded to the west of the operation. Commission Member Haeckler asked about the flood study that Mr. Moore stated that had already been completed. Mr. Moore stated that City Staff has reviewed and approved the conceptual flood study based on where we are right now in the process. He stated that there will be some refinement as they go through the FEMA process and get closer to the final design of the

development. Mr. Moore stated that they would continue to work with the Engineering Department on it. He stated that the original proposed screening wall was on the outside of the erosion hazard setback that came out of the flood study. Commission Member Haeckler wanted to clarify that the applicant was not going to increase the flood plain elevation on the subject property. Mr. Moore stated that they could not do that by law. Commission Member Kuykendall stated that another concern mentioned was individuals test driving through the adjacent neighborhood. Mr. Moore stated that he believes that some of the traffic on Poppy Lane is from people using it as a cut-through to U.S. Highway 75 (Central Expressway). He stated that the test drive vehicles have GPS on them, so the dealership monitors where the test vehicles are going. Mr. Moore stated that they dealership is not sending test drives back through a residential neighborhood. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that as a function of the zoning that we would not have any control of it. She stated that we could bring forward the concerns of the residents to the traffic management section of the City's Engineering Department. Commission Member Kuykendall asked Staff to discuss the lighting ordinance regulations and what options the residents have if they feel it is not being met. Ms. Pickett stated that the lighting ordinance (Chapter 58) stated that the ordinance goes into detail regarding luminance levels, foot candles, and light locations. She stated that there is a brightness limit at the property line that they cannot go over. Ms. Pickett stated that this is assessed through a photometric plan submittal. She stated that if the adjacent residents feels that it is brighter than it should be that they can contact the City's

Code Enforcement Department to come out to test it. Ms. Pickett stated that City Staff is reviewing it during the building permit phase. Vice-Chairman Mantzey asked if the applicant's modification to the screen wall location should be made during the motion. Mr. Wilson stated that it could be part of the motion for this request. He stated that it will also be reflected on the site plan. Ms. Pickett stated that if the Commission felt strongly about the screening wall being moved closer to the parking lot, then she would encourage the Commission to include it in the motion for this item. Commission Member Doak asked Mr. Moore if they were 100% committed to moving the screening wall by the parking lot as he suggested. Mr. Moore said yes. On a motion by Commission Member Taylor, seconded by Commission Member Haeckler, the Commission voted to recommend approval of the proposed specific use permit and variance request as recommended by Staff with the addition that the screening wall on the wide side of the subject property be moved towards the parking lot providing additional screening through the higher elevation, with a vote of 5-0-1. Chairman Cox abstained. Vice-Chairman Mantzey stated that the recommendation of the Planning and Zoning Commission would be forwarded to the April 16, 2019 City Council meeting.