

Planning and Zoning Commission Meeting Minutes of February 28, 2017:

16-193Z 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 Approximately 520 Feet East of Community Avenue and on the South Side of U.S. Highway 380 (University Drive)

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the property located north of the subject property was currently being utilized for institutional uses (Collin College), and the property located to the west was being utilized for commercial uses. Ms. Spriegel stated that the properties located to the south and east were currently being utilized for single family residential uses. She stated that the subject property was surrounded by a creek and dense vegetation that serves as a buffer between the subject property and surrounding properties. Ms. Spriegel stated that given the primary frontage along U.S. Highway 380 (University Drive), the width of the existing creek and vegetation, and uses on the properties to the north and west, it was Staff's opinion that the rezoning request was compatible and would complement the existing and surrounding uses. She stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. S.I. Abed, DDC, Inc. 503 Wade Court, Euless, TX, stated that the site has two creeks and was surrounding by heavy green areas with large trees. He stated that their goal was to keep the green areas as they are now and not to cut the large trees. Mr.

Abed stated that they plan to use the middle area, which was approximately 25% of the property, for commercial use. He stated that others had unsuccessfully tried to develop this property, as it was a difficult property to develop due to various issues. Mr. Abed stated that they were creating a buffer on the south side by not cutting the trees, adding a fence, and satisfying all of the City's screening requirements.

Chairman Cox opened the public hearing and called for comments.

Mr. Tony Strouth, 2304 Marshbrook Drive, McKinney, TX, stated that he was representing four of the homeowners on Marshbrook Drive. He stated that there was a lot of light pollution coming from another business located nearby. Mr. Strouth stated that property owner leaves on their lights 24 hours per day, seven days per week. He stated that looking at his bedroom windows at night it appears that it is daylight outside due to the light coming from this property. Mr. Strouth expressed concerns about possibly losing some of the green space that acts as a buffer on the subject property.

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

Commission Member Mantzey asked Staff to address the lighting concerns Mr. Strouth mention during the public hearing. Ms. Spriegel stated that this request was specifically for the zoning and land uses allowed on the property. She stated that any lighting or development issues should be addressed during the site planning process. Ms. Spriegel stated that there was a specific use permit for the use on the property which was also being considered at this meeting. She stated that if a resident has any issues

that they could contact the City of McKinney Code Enforcement Department for them to research into it.

Commission Member Mantzey asked if the City had codes regarding light coming from a commercial use to a residential use. Ms. Spriegel said yes and that the City's Ordinances address it.

Commission Member Mantzey wanted to clarify that if the neighbor has concerns that they could contact the City of McKinney Code Enforcement Department. Ms. Spriegel said yes.

Chairman Cox stated that during the approval process of the building that there were standards that a developer was required to follow and one of those requirements would be lighting. Ms. Spriegel stated that there was a lighting section in the Code of Ordinances that they must meet.

Chairman Cox asked for the uses that would be allowed under the current zoning on the property. Ms. Spriegel stated that the current zoning on the property would mostly be limited to office uses.

Chairman Cox asked if there would be a height limitation to the office uses currently allowed on the property. Ms. Spriegel stated that under the "O" – Office District if an office use was within 300' of residential property the office would be limited to 50' in height. Chairman Cox asked how many stories that would be. Ms. Spriegel thought that generally stories were approximately 11' in height. Chairman Cox stated that would mean that there could be up to a four-story building built on the subject property. Ms. Spriegel stated that was correct.

Commission Member Smith stated that the resident that spoke apparently did not have a natural buffer between his property and the other property that he addressing. She wanted to clarify that the subject property would have a heavily vegetated buffer. Ms. Spriegel stated that within the existing ordinance on the property it specifies a 40' greenbelt. She stated that with the proposed rezoning and specific use permit requests the applicant would be maintaining the 40' of vegetation, which splits the property line. Ms. Spriegel pointed out the proposed retaining wall and where the vegetation would remain on the property.

Chairman Cox asked if there was another property located between the single family homes on Marshbrook Drive and the subject property. Ms. Spriegel said yes.

Chairman Cox asked Mr. Abed to discuss the lighting, egress, ingress, how much of the site will be developed, and the distance between the subject property and the residential properties to the southwest. Mr. Abed stated that there would be a 40' natural buffer along the creek. He stated that all of the large trees in this area would not be cut. Mr. Abed stated that to mitigate those trees would cost too much. He stated that they were proposing to develop approximately 25% of the property. Mr. Abed stated that the retaining wall was needed to address erosion issues that could be caused by the creek and was not proposed to increase any area of the property. He stated that they were proposing to develop a one-story building that would be facing U.S. Highway 380 (University Drive). Mr. Abed stated that the nearby residential properties were to the back and they did not intent to have any activity on the back of their property. He stated that unless it was a City requirement, he did not think that they would need to put in lighting on the backside, since all of the doors would be facing U.S. Highway 380 (University

Drive). Mr. Abed stated that they would be maintaining a fence with the trees, which would be an additional buffer. He stated that they could have requested to cut the vegetation on the property to gain a larger developable space; however, they were not interested in pursuing that option. Mr. Abed stated that that others have tried and failed to develop the land in various configurations in the past.

Alternate Commission Member McReynolds asked for clarification on the landscaping requirement and what size and type of specimens would need to be planted in the rear of the proposed building. Mr. Spriegel stated that when you are adjacent to residential properties there was a 10' landscape buffer with 4" caliper, 12' tall canopy trees.

Alternate Commission Member McReynolds asked if it was a 6' tall fence. Ms. Spriegel said yes.

On a motion by Commission Member Mantzey, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to recommend approval of the proposed 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 March 21, 2017.