

## PLANNING AND ZONING COMMISSION

MARCH 14, 2017

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, March 14, 2017 at 6:00 p.m.

Commission Members Present: Chairman Bill Cox, Vice-Chairman Eric Zepp, Janet Cobbel, Deanna Kuykendall, Brian Mantzey, Pamela Smith, and Mark McReynolds  
– Alternate

Commission Member Absent: Cam McCall

Staff Present: Director of Development Services Michael Quint, Planning Managers Samantha Pickett and Matt Robinson, Planners Danielle Quintanilla and Melissa Spriegel, and Administrative Assistant Terri Ramey

There were eight guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairman Cox continued the meeting with the Consent Items.

The Commission approved the motion by Commission Member Smith, seconded by Commission Member Cobbel, to approve the following three Consent items, with a vote of 6-0-1. Vice-Chairman Zepp abstained.

**17-281 Minutes of the Planning and Zoning Commission Work Session of February 28, 2017**

**17-282 Minutes of the Planning and Zoning Commission Regular Meeting of February 28, 2017**

**16-305PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 and 2, Block A, of Valle Estates Addition, Located Approximately 270 Feet West of Jordan Road and on the North Side of Bois D'Arc Road**

### END OF CONSENT

Chairman Cox continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

**17-006Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, to Allow for Single Family**

**Residential Uses, Located on the Southeast Corner of  
Crutcher Crossing and Virginia Parkway**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone an approximately 5.57 acre tract of land from "PD" – Planned Development District to "PD" – Planned Development District, generally to amend the existing zoning ordinance to allow for single family residential uses on the subject property. Ms. Spriegel stated that if single family uses developed on the subject property, they shall develop in accordance with the "SF5" – Single Family Residential District. She stated that although the proposed rezoning request would amend the governing "PD" - Planned Development Ordinance to allow single family residential uses in addition to the existing non-residential uses allowed, Staff has concerns that this could potentially erode the non-residential tax base in this area. Ms. Spriegel stated that the development of single family residential uses was not in conformance with the City of McKinney's Comprehensive Plan, which shows the area developing for office uses. She stated that given the property's location along Virginia Parkway, as well as the development of the adjacent properties to the east and west for office and commercial uses, Staff recommended denial of the proposed rezoning request. Ms. Spriegel offered to answer questions. There were none.

Mr. Warren Hilla, Dynamic Engineering, 1301 S. Central Expressway, Allen, TX, explained the proposed rezoning request. He stated that to the east of the subject property there was a dentist office and a title company, to the west a senior living facility was currently under construction, and to the north and south were residential uses. Mr. Hilla stated that the subject property was approximately 5.5 acres. He stated that the property currently was used for agricultural uses as it was vacant; however, the property was zoned for office uses. Mr. Hilla stated that there is access from Virginia Parkway and Crutcher Crossing. He stated that the topography generally slopes from the north to the south with an approximately 30' drop. Mr. Hilla stated that there were utilities adjacent to the property. He stated that there should not be any issues with having the utilities for the subject property if they develop residential uses on it. Mr. Hilla stated that they were proposing to develop 11 lots that range from approximately 0.20 – 0.34 acres each. He stated that they were proposing to develop approximately 4 acres of the subject property.

Mr. Hilla stated that they would be preserving approximately 1.5 acres of the property that has the natural creek and trees to be a natural buffer area to the adjacent property to the south. He stated that they propose to have one access point coming off of Crutcher Crossing, which would be directly across from the senior living facility. Mr. Hilla stated that they were also proposing an emergency access that would connect to the dentist office's fire lane to the east. He stated that they made arrangements to try to meet with the residential neighbors again. Mr. Hilla stated that the surrounding neighbors were in support of the request and some had provided letters of support. He stated that the surrounding residential property owners stated that they do not want commercial uses on the subject property. Mr. Hilla stated that the neighbors had fought other applications in the general area on previous occasions. He stated that there was a potential for an increase in surrounding property values. Mr. Hilla stated that there could be a potential decrease in traffic with the development of 11 houses compared to a commercial use. He stated that there were ten residential subdivisions that abut Virginia Parkway within three miles of the subject property. Mr. Hilla stated that they would be providing screening and buffering as required by the City to provide a sound barrier between Virginia Parkway and the residential properties. He stated that the product that they were proposing to build on the lots was a high quality house.

Mr. Charles McKissick, Real Estate Services, 1833 W. Hunt Street, McKinney, TX, distributed an economic tax base handout to the Commission Members prior to speaking. He stated that he was the real estate broker for the subject property. Mr. McKissick stated that he had operated in the real estate business for over 30 years. He stated that his handout showed the proposed use's tax value to be \$7,700,000 for eleven residential uses valued at \$700,000 each. He stated that the two adjacent dental buildings yielded a combined tax value of \$1,364,413 in 2016, which produced \$27,519 in taxes to the City. Mr. McKissick stated that if they were able to sell the subject property to a developer for another use, then he felt the property would develop as something similar to the professional office space like the adjacent dental offices. He stated that they had this property on the market for approximately 20 years. Mr. McKissick stated that this tract and the 14 acre tract on the corner have topographical issues. He stated that the best use for the subject property would be a professional office if it develops with a use other

than the proposed development. Mr. McKissick explained the handouts and how he came up with the different totals. He stated that the proposed development would be a positive gain for the City. Mr. McKissick stated that there were only two tracts of the original 1,200 acre Crutcher estate that had yet to be developed in this area. He stated that there were some difficulties in developing these last two tracts. Mr. McKissick asked the Commission Members to take that into consideration. He stated that we have the opportunity to get the 5.5 acres on the tax rolls by adding one more allowable use to the property. Mr. McKissick stated that when they brought the adjoining tract to the west before the Commission, the Council Chamber was full of residents not wanting commercial uses at that location. He stated that now all of these residents were supporting the proposed request for residential uses on the subject property. Mr. McKissick requested a favorable recommendation on the proposed request. 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 Mantzey, seconded by Commission Member Smith, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Vice-Chairman Zepp asked if a tree survey had been completed on the property. He stated that there were a lot of trees outside of the flood plain area. Vice-Chairman Zepp asked if they had researched into what type of mitigation would be required for those trees. Mr. Hilla stated that they did a tree survey, which they presented to the Parks Commission. He stated that they spoke about what the requirements would be on the property. Mr. Hilla stated that they were willing to work with them to meet all of those requirements.

Commission Member Mantzey stated that his position on this request had not changed since it was last presented. He stated that the directive from the City Council was to protect the commercial tax base. Commission Member Mantzey stated that he had nothing against the proposed development, other than the City's directive. He stated that with the housing market being as robust as it is, the City would entertain numerous applications to rezone commercial tracts into residential uses. Commission Member Mantzey stated that some tracts might work well being rezoned. He stated that the

subject property being a commercial tract on a six lane road with a traffic light needs to remain commercial or the City Council needs to decide to change it from a commercial tax base to a residential tax base. Commission Member Mantzey stated that local residents might want to see a residential house next to their property; however, the City as a whole complains that we do not have enough commercial uses in the end. He stated that he would support Staff's recommendation of denial of the proposed rezoning request, since he could not support a change for this property.

Alternate Commission Member McReynolds stated that generally he looks at the size of the parcel being discussed, its location, and some other factors when considering rezoning from a commercial use to a residential use. He stated that the subject property was located on a major commercial corridor. Alternate Commission Member McReynolds stated that it was not too big of a lot that it could not be developed commercially. He stated that there was not a lot of commercial uses in this area. Alternate Commission Member McReynolds stated that he would also support Staff's recommendation for denial of the proposed rezoning request.

Vice-Chairman Zepp asked if Mr. McKissick's handout was based off of what was included in the packet. Mr. McKissick said yes.

Vice-Chairman Zepp asked Staff how they came up with the non-residential tax value of \$10,271,303 for the existing zoning on the property. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that the fiscal analysis gives a snapshot of what was going on. She stated that she would encourage the Commission Members to also look at the Land Use and Tax Base Summary, which gives a better snapshot of the residential to non-residential breakdown within the City, as well as in this sector. Ms. Pickett stated that the summary gives a better picture of what Staff was evaluating when they were considering these types of requests.

Commission Member Kuykendall stated that her opinion on the request had not changed from the previous presentation. She stated that she would also be in favor of denial of the proposed rezoning request.

Commission Member Cobbel asked Staff about the calculation on how they came up with the \$10,271,303 amount for the non-residential taxable value for the subject property under the existing zoning. Ms. Pickett stated that Staff inputs the information in

software that has collected data from the City and it calculates a total. She stated that the software generated the total amount and that Staff could not edit it.

Commission Member Cobbel asked if it was market value as of today. Ms. Pickett stated that the software was probably updated as of 2011 and those would be the totals that we were looking at in the packet.

Commission Member Mantzey stated there were a lot of what ifs. He stated that he would not consider the tax base amounts shown as a decision maker for the proposed rezoning request. Ms. Pickett stated that was why the Land Use and Tax Base Summary shows a better breakdown, since you were not looking at what it could be but what it actually is.

Commission Member Cobbel stated that we are not currently getting that amount since the property was being use for agricultural purposes right now. Ms. Pickett said that was correct.

Chairman Cox stated that it was interesting that the data the City was providing was six years old. He stated that was a little concerning. Chairman Cox asked if there was a way to receive more current data. He stated that City Council had given a directive on what they would like to see. Chairman Cox stated that based on the size of the property, the location, surrounding property owners' support, and a developer willing to put a product on the ground at a price point that was a better net than the numbers we were given that he could support the proposed rezoning request.

Commission Member Cobbel stated that it was not only a better number, it puts higher value on the tax roll now. She stated that the current agricultural use would not be generating much tax base. Commission Member Cobbel stated that she was in support of the proposed rezoning request.

Commission Member Smith stated that normally she would not be in support of this type of request; however, there were two things that she was taking into consideration. One being that they were really close in the cost and benefit comparison. The second was the surrounding neighborhood concerns expressed at the previous meeting. She stated that when the residents are unhappy with a proposed request that they turn out for the meetings to speak in opposition and when they are in support that they typically do not show up to the meetings to express an opinion. Commission Member

Smith stated that the neighborhood response and the letters of support that we have already received have a bearing. She stated that she was willing to support the proposed rezoning request. Commission Member Smith stated that ultimately it would be City Council's decision. She stated that they all understood Staff's recommendation for denial. Commission Member Smith stated that she could see both sides and understood the concerns about losing commercial tax base. She stated that sometimes there are situations that are unique and warrant some discretionary viewpoints that maybe do not normally fall in the line that she would normally see something.

On a motion by Commission Member Cobbel, seconded by Commission Member Smith, the Commission voted to recommend approval of the proposed rezoning request as requested by the applicant, with a vote of 4-3-0. Commission Members Kuykendall, Mantzey, and McReynolds – Alternate voted against the motion.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 4, 2017.

**17-019SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for a Daycare Facility, Located Approximately 675 Feet South of U.S. Highway 380 (University Drive) and on the East Side of Stonebridge Drive (REQUEST TO BE TABLED)**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item tabled to the March 28, 2017 Planning and Zoning Commission meeting due to public notification signs not being posted on the subject property within the timeframe required by the Zoning Ordinance. She offered to answer questions.

Commission Member Cobbel asked if the public notification signs were currently on the property. Ms. Spriegel said yes.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request to the March 28, 2017 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

**17-037Z 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 "C1" -  
Neighborhood Commercial District, Located  
Approximately 200 Feet West of Lake Forest Drive and  
on the South Side of Collin McKinney Parkway**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed rezoning request for the Heights at Lake Forest Addition, located approximately 200 feet west of Lake Forest Drive and on the south side Collin McKinney Parkway. She stated that the applicant was requesting to rezone approximately 1.8 acres from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "C1" – Neighborhood Commercial District, generally for commercial uses. Ms. Quintanilla stated that the governing "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District designates the subject property as Mixed Use and Employment Center, which allows for a variety of uses including office, commercial, and residential uses. She stated that the governing "PD" – Planned Development District also calls for the property to develop in a urban manner with a greater rear yard setback of 55' to allow for parking in the rear and for the building to be pulled up to the street along Collin McKinney Parkway. Ms. Quintanilla stated that the applicant had indicated their intent to develop in a more suburban manner with parking in the front and for the building to be set back from Collin McKinney Parkway. She stated that rezoning to the "C1" – Neighborhood Commercial District would allow for less intense uses than what was currently allowed within the existing zoning. Ms. Quintanilla stated that the properties to the west and south were being utilized for multi-family residential uses, while the properties to the north and east were currently undeveloped; however, were zoned for similar non-residential uses. She stated that Staff feels that the rezoning request would remain compatible with the adjacent existing and future land uses. Ms. Quintanilla stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Bryon Waddey, Vasquez Engineering, 1919 S. Shiloh Road, Garland, TX, explained the rezoning request. He stated that the subject property was wide and shallow. Mr. Waddey stated that they were proposing to build a retail building on the subject property. He stated that they did not have any tenants for the building yet. Mr. Waddey stated that under the current "PD" – Planned Development District they would



be required to push the building up against roadway, with the parking between the building and the adjacent apartment complex. He stated that they would like to flip that around so that the building would be near the apartment complex and the parking would be out front. Mr. Waddey stated that they would require more parking under this scenario. 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 Mantzey, seconded by Commission Member Smith, the Commission unanimously voted to close the public hearing and recommend approval of the 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 April 4, 2017.

**17-044SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Parking Lot, Located on the Southwest Corner of Kentucky Street and Lamar Street**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained the proposed site plan request for a parking lot. He stated that the City of McKinney was proposing to add additional parking spaces to the parking lot generally located to the south of the existing First United Methodist Church. Mr. Robinson stated that the current parking lot has 44 existing off-street parking spaces. He stated that the City proposed to add an additional 47 parking spaces for this development. Mr. Robinson stated that typically site plans were approved by Staff; however, the applicant was requesting two design exceptions that consisted of not requiring a street screening device along Kentucky Street and to allow driveway access off a Pedestrian Priority "B" Street (Kentucky Street). He stated that these design exceptions were being requested on the basis that this was an expansion of an existing parking lot and that it would provide better circulation for the parking lot. Mr. Robinson stated that the City was trying to provide as many parking spaces as quickly as possible to help support Downtown businesses while the nine acre site, located at Davis Street and Tennessee Street, was being developed. He stated that Staff was recommending approval of the proposed site plan and design exceptions as conditioned in the Staff report. Mr. Robinson offered to answer questions.

Alternate Commission Member McReynolds asked if this was the parking lot with a low block wall where the blocks came from the original Collin County Courthouse. He

heard that the blocks were obtained back in the 1920s during the renovation of the Courthouse. Alternate Commission Member McReynolds asked if that was the case and whether or not the City planned to do anything with those blocks, since they could have a historic significance. Mr. Robinson stated that this was the first that he had heard about the wall having a historic significance. He stated that Staff would look into it. Chairman Cox stated that it was interesting that the blocks could have historic significance.

Mr. Jonathan Hake, Cross Engineering, 131 S. Tennessee Street, McKinney, TX, concurred with the Staff report. He stated that it was the first time that he had heard there might be a historic significance to the blocks used on the wall. Mr. Hake offered to answer questions. Alternate Commission Member McReynolds stated that if you look at old photographs of the courthouse from around 1927 that you would see a low stone wall going around the courthouse and that the stone used was similar to the stones used on the wall around the parking lot.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Mantzey, second by Alternate Commission Member McReynolds, the Commission unanimously voted to close the public hearing and approve the site plan and design exceptions as conditioned in the Staff report, with a vote of 7-0-0.

**17-036MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 14R, 15 and 16, Block B, of Metro Industrial Park No. 2, Located on the Southwest Corner of McKinney Parkway and Metro Park Drive**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed minor replat for Metro Industrial Park No. 2, located at the southwest corner of McKinney Parkway and Metro Park Drive. She stated that the applicant was proposing to subdivide approximately 3.22 acres into three lots for light manufacturing uses. Ms. Quintanilla stated that the plat met all of the requirements of the subdivision ordinance. She stated that Staff recommended approval of the proposed minor replat and offered to answer questions. There were none.

Ms. Quintanilla stated that the applicant was not able to attend the meeting. She stated that the applicant concurred with the Staff Report.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Smith, seconded by Commission Member Cobbel, the Commission unanimously voted to close the public hearing and approve the proposed minor replat as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed minor replat.

**END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS**

Chairman Cox requested an update on the items that recently went to City Council for final action. Ms. Samantha Pickett stated that information would be provided at the next Planning and Zoning Commission meeting.

There being no further business, Chairman Cox declared the meeting adjourned at 6:40 p.m.

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BILL COX  
Chairman