

Commission Member Stevens liked the proposed common, parallel, off-site drive to Eldorado Parkway. He wished that more restaurants provided entrances similar to this to address traffic issues.

Commission Member Gilmore agreed with Commission Member Steven's comments. He felt the applicant did a great job addressing traffic concerns with the proposed common, parallel, off-site drive.

Commission Member Kuykendall stated that she still had concerns about having a 24-hour restaurant near residential properties. She did agree; however, that there was a need for restaurants in that area of McKinney.

On a motion by Alternate Commission Member McCall, seconded by Commission Member Kuykendall, the Commission voted unanimously to recommend approval of the specific use permit with the special ordinance provision listed in the Staff report, with a vote of 5-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 7, 2015.

**14-333SUP Conduct a Public Hearing to Consider/Discuss/Act a Specific Use Permit Request for a Restaurant with Drive-Through Window, Located on the South Side of Eldorado Parkway and Approximately 700 Feet East of Ridge Road**

Ms. Samantha Pickett, Planner II for the City of McKinney, stated that the applicant was requesting a specific use permit to allow for a restaurant with drive-through window on the subject property. She stated that Staff had concerns that the level of traffic and close proximity of the menu board and drive-thru window on the east side of the building, approximately 70 feet and 65 feet as shown on the exhibit in the Staff report, may negatively impact the adjacent single family residences to the east. Ms. Pickett stated that Staff recommended denial of the proposed specific use permit.

Alternate Commission Member McCall asked what it would take for Staff to recommend approval of the request. Mr. Michael Quint, Director of Planning for the City of McKinney, did not feel that Staff would be comfortable recommending approval of the proposed specific use permit. He did not feel that the proposed drive-thru was appropriate at this location. Mr. Quint suggested possibly moving the drive-thru to the other side of the building; however, acknowledged that would be hard to accomplish.

He also stated that there was not enough room for massive amounts of landscaping and screening on the property to help with noise and traffic concerns. Mr. Quint did not feel that whatever screening device was placed on the property between the restaurant and adjacent single family residences to the east would mitigate the impact of having a drive-thru 75' from residential properties.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; briefly explained the specific use permit request and stated that a Taco Bell was proposed at this location. He stated that it would be impossible to move the drive-thru to the other side of the restaurant since it would cause issues with the proposed common, parallel, off-site drive. Mr. Roeder felt that Staff overthought their concerns. He stated that the residential development to the east had a nice brick fence with columns that ran along Eldorado Parkway. He stated that they were required to place a masonry fence between this property and the homeowner's property. Mr. Roeder stated that the developer plans to install a 7' tall fence that looks similar to the other brick fence. He stated that the developer plans to move the sanitary sewer line to the other side of the property to allow for a 10' landscape buffer on the inside of the wall. Mr. Roeder stated that they proposed to plant Eastern Red Cedars on the property. He stated that the homeowners to the east of this property had planted three Eastern Red Cedars on their property that were now are about 20' tall and solid. Mr. Roeder stated that the residential development to the east was an alley loaded subdivision. He stated that an alley serves the surrounding homes and in each situation there was an 18' – 20' driveway, a garage, and then the living quarters on the other side of that setback and garage. Mr. Roeder stated that there were wood screening fences on the properties with some of them having trees and landscaping above the fences. He stated that there was 65' – 70' from the order board to the edge of the alley. Mr. Roeder stated that it was another 30' to get to the residents. He felt that Staff had concerns about the speaker noise from the ordering board. Mr. Roeder stated that the proposed ordering boards had decimal readings that go out from 1' – 32'. He stated that the City of McKinney had a whole set of performance criteria regarding how much noise could be created on the property to the edge of the alley. Mr. Roeder stated that with new technology in ordering boards that the decimal level at the edge of the

property should be less than that of a new washing machine inside a house. He stated that the City allowed for a 76 decimal level at the edge of the property. Mr. Roeder stated that under the manufactures specifications for sound for these systems they showed that it should be 54 decimals at 32' away from the system. He stated that was not even up to the landscaping buffer. Mr. Roeder did not feel that the noise level should be a concern with the newer ordering systems. He felt that Staff's other concern was in regard to the proposed stack lane. Mr. Roeder stated that the drive system was already in place on the property. He stated that the whole 17 acres was currently zoned for commercial uses. Mr. Roeder felt that any use on the property would use the existing drive system and therefore this restaurant would not be creating more traffic noise by placing a stack lane on the property than if there was 17 acres of retail uses generating vehicles going in and out of that location. He acknowledged that the restaurant could create additional traffic at later hours when a commercial center would be most likely closed. Mr. Roeder felt that Staff's concerns were overblown. He felt that the fence would protect the surrounding residential neighbors from all of the trash and the Eastern Red Cedars would protect the neighbors from the noise. Mr. Roeder felt that the Taco Bell was a very compatible adjacent use for the property. He asked for the Commissioners favorable recommendation to the City Council and offered to answer questions.

Commission Member Gilmore stated that the order boards were volume controlled. He asked if the decimal levels given were at the highest or lowest settings. Mr. Roeder stated that the decimal setting was set by the factory; however, they could be adjusted. He stated that the 54 decimal level mentioned earlier was for the louder end of the scale when there were maximum background noises. Mr. Roeder stated that if there was no background noise then the decimal level at 32' would be 36 decimals.

Commission Member Gilmore asked about the daily volume of traffic projected for this development. Mr. Roeder stated that the restaurants would as many cars as they can possibly get. He stated that they were not required to do a traffic impact analysis due to the traffic pattern that they proposed. He stated that they were building a deceleration lane so people could get off of the main traffic on Eldorado and enter onto the internal road.

Commission Member Stevens asked if a restaurant did not go on this site, then what other uses could be built here. Mr. Roeder stated that the three restaurants were a package deal. He stated that they worked with the homeowners association (HOA) early on to try to address their concerns. Mr. Roeder stated that they did not receive any feedback from them regarding noise concerns.

Commission Member Gilmore asked if the homeowners that back up to the property had any noise concerns. Mr. Roeder was not aware of any.

Commission Member Gilmore asked for the hours of operation for the Taco Bell. Ms. Angel Robinson, Guggenheim Retail Real Estate Partners, Inc., 3000 Internet Boulevard, Frisco, TX, stated that Taco Bell was open for breakfast, lunch, and dinner. She thought their hours of operation were from 6:00 a.m. – 2:30 a.m. Ms. Robinson stated that there was a traffic impact analysis completed that the City of McKinney Engineering Department reviewed. She stated that they recommended a deceleration lane and that the City of McKinney Engineering Department was in agreement with the report findings.

Commission Member Gilmore asked about the signage proposed for the restaurants. He expressed concerns that the surrounding neighbors would be in their backyards and the signs would be visible. Ms. Robinson stated that she had not researched into signage at this time. She stated that each tenant would have their own signage and each one would be required to go through the review process with the City for their signage.

Chairman Franklin opened the public hearing and called for comments.

Alternate Commission Member McCall asked if all four of the residents that would be adjacent to the proposed Taco Bell were present at the meeting. Not all four adjacent property owners were present.

Mr. Michael Henke, 6104 Pine Ridge Boulevard, McKinney, TX, stated that he was disappointed in the Staff report. He felt the Staff report just made a statement regarding Staff's noise concerns and did not explain it or provide data to back up the noise concern. Mr. Henke stated that it was hard on the Pine Ridge Homeowners' Association (HOA) to come to an agreement without consulting with the applicant on the issue. He stated that they felt comfortable with the amount of noise that might be

created at the site. Mr. Henke stated that they felt the proposed development for the whole property would be good for the area. He stated that he spoke with as many homeowners as he could and had walked the area. Mr. Henke stated that the main concern from the neighbors was whether or not there would be a wall installed at the edge of the property. He stated that they also have some trash concerns; however, knowing that there would be a wall installed eased their concerns. Mr. Henke stated that the Pine Ridge Homeowners' Association (HOA) was in support of bringing a Taco Bell to this location.

Commission Member Gilmore wanted to clarify that when Mr. Henke stated that the Pine Ridge Homeowners' Association (HOA) was in favor of the request that they formally met as a board to discuss and vote on it. Mr. Henke said yes.

Alternate Commission Member McCall asked if the four adjacent homeowners were on the Pine Ridge Homeowner's Association (HOA) board. Mr. Henke said no.

Alternate Commission Member McCall asked if the Pine Ridge Homeowner's Association (HOA) spoke with these four adjacent homeowners. Mr. Henke stated that he did not speak with all four of the adjacent homeowners; however, he tried to speak with as many people in the area as possible.

Ms. Terry Miller, 6012 Hidden Pine Lane, McKinney, TX, stated that the Pine Ridge Homeowner's Association (HOA) had a Facebook page that notifies the neighbors on important issues and that was how she original found out about the proposed development. She stated that the four property owners on the corner know about the proposed development. Ms. Miller was glad to learn that a wall was being built on the property. She stated that the three restaurants would benefit the neighborhood and was in an excellent location. Ms. Miller stated that she was in favor of the request.

Chairman Franklin asked Mr. Michael Quint to address Staff's concerns. Mr. Michael Quint, Director of Planning for the City of McKinney, appreciated Mr. Henke's thoughts on his disappointment in Staff's recommendation. He stated that unfortunately Staff was not given the decimal levels from the applicant. Mr. Quint explained that Staff measures noise in decimal levels and octave bands per the ordinance. He stated that it was not as easy as saying that 70 decimals were allowed and the noise box was at 50

decimals. Mr. Quint stated that you do not know what octave band the noise is, at 50 decimals. He stated that right now there was ambient noise out there, which residents have become accustomed to. Mr. Quint stated that people notice any time you introduce new noise though. He stated that the City Council dealt with a Downtown Noise Ordinance recently. Mr. Quint gave examples that some of the Downtown restaurants were playing music over speakers and residents heard it a mile away and complained about it. He stated that when the Police officers were responding to those complaints that the restaurants were meeting the City's noise requirements. Mr. Quint stated that just because a business meets the ordinance does not mean that the residents would not hear it. He reiterated that any new noise will be noticed by the surrounding neighbors. Mr. Quint stated that Staff's recommendation was showing deference to those residents.

Ms. Jennifer Colunga, 1413 Fairfield Drive, Plano, TX, stated that she is a student of the University of Texas at Dallas (UTD) and pursuing her Master's in Public Affairs. She explained that she was taking a course in Urban Planning that required the students to attend a Planning and Zoning Commission meeting and to speak on an item. Ms. Colunga stated that she was not familiar with the area of the proposed site. She stated that after listening to the previous discussion that she was in favor of the request, since she felt the applicant had addressed the surrounding residential neighbor's concerns and that the area was in need of restaurants.

Ms. Christine Jenkins, 3100 New York Avenue, McKinney, TX, spoke in opposition of the request. She expressed concerns about possible loud music levels in vehicles at the restaurant's drive-thru in the early hours of the morning and possibly decreasing the home values in the surrounding neighborhood.

On a motion by Commission Member Gilmore, seconded by Alternate Commission Member McCall, the Commission voted unanimously to close the public hearing, with a vote of 5-0-0.

Commission Member Gilmore stated that he felt the surrounding neighbors might be underestimating the potential noise level. He thanked Mr. Roeder for addressing some of the issues, the homeowners for showing up to the meeting, and the Pine Ridge Homeowner's Association (HOA) for reaching out to their residents. Commission

Member Gilmore stated that he visited the Taco Bell on Eldorado Parkway, across the street from Christian Brothers Automotive. He spoke with some employees of Christian Brothers Automotive about the noise from the Taco Bell across the street. Commission Member Gilmore stated that you could hear the noise from the restaurant; however, the employees that he spoke with stated that after a while they got use to the noise and did not notice it. He stated that there would be noise created from the proposed Taco Bell to the surrounding homeowners. Commission Member Gilmore stated that he felt it was a good project since the homeowners had been notified of the possible noise issues, the Pine Ridge Homeowner's Association (HOA) was in favor of the request, and the decimal levels had been provided by the applicant.

Alternate Commission Member McCall stated that since the surround homeowners and the Pine Ridge Homeowner's Association (HOA) were in favor of the request that he would also be willing to vote to recommend it.

Commission Member Kuykendall asked about how vehicles would enter the property when they were driving west on Eldorado Parkway. Mr. Quint gave several examples of how they could enter and exit the property. Commission Member Kuykendall expressed concerns about morning rush hour traffic in that area. Mr. Quint gave an example that if it was difficult to enter the property at the median opening due to traffic that in the future he would probably go to the light at the Eldorado and Ridge intersection and turn there to get to the property.

Alternate Commission Member McCall asked if the southern road was going to be built. Mr. Quint said yes.

Alternate Commission Member McCall asked if the City would consider having a turn only for the exit area on to Eldorado Parkway. Mr. Quint stated that there was a full median opening located there and the City was not in the practice of closing down full median openings, since it would restrict traffic to the surround developments. He stated that if there were accidents or fatalities at that location then the City might consider changing it for safety reasons.

Commission Member Kuykendall stated that there was usually a crossing guard at Ridge Road and Eldorado Parkway to allow the children to cross that intersection to get to the nearby school. She asked if there might be a safety concern for the additional

traffic and the kids trying to get to school in that area. Mr. Quint stated that he was unaware of the school crossing area. He stated that if a school guard was currently located there then he did not see that changing. Mr. Quint briefly discussed traffic patterns with restaurants versus retail development.

Chairman Franklin stated that he initially had a concern with this request; however, he felt that Mr. Roeder and the surrounding residents had addressed his concern. He stated that he was now in favor of the project.

Commission Member Stevens stated that he could not image what else might go on to the property if the proposed development was not built. He stated that since the surrounding homeowners were in favor of the project that he was also in favor of the request.

On a motion by Commission Member Gilmore, seconded by Alternate Commission Member McCall, the Commission voted to recommend approval of the specific use permit per the applicant's request, with a vote of 4-1-0. Commission Member Kuykendall voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 7, 2015.

**15-051SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Use Accessory to the Existing United Parcel Service (UPS) Operations (Driver Training Course), Located on the Northeast Corner of Wilmeth Road and Redbud Boulevard**

Ms. Samantha Pickett, Planner II for the City of McKinney, stated Staff distributed photographs of a driver training course at an existing United Parcel Service (UPS) facility to the Planning and Zoning Commission prior to the meeting. She stated that the applicant was proposing to construct a driver training course with a paved area, small replica houses, and a drop box on the east side of the existing United Parcel Service (UPS) facility. Ms. Pickett stated that typically site plans were Staff approval; however, the zoning on the property required that the site plan be submitted to the Planning and Zoning Commission whose recommendation would be forwarded to City Council for final approval. She stated that the site plan had met all the necessary requirements. Ms. Pickett stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report.