

## PLANNING AND ZONING COMMISSION

DECEMBER 13, 2016

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, December 13, 2016 at 6:00 p.m.

City Council Present: Travis Ussery and Chuck Branch

Commission Members Present: Mark McReynolds, Brian Mantzey, Deanna Kuykendall, Bill Cox, Eric Zepp, Cameron McCall, Pamela Smith

Commission Member Absent: Janet Cobbel

Staff Present: Director of Planning Brian Lockley; Planning Managers Matt Robinson, Jennifer Arnold, and Samantha Pickett; Planners Aaron Bloxham, Danielle Quintanilla, and Melissa Spriegel; 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 continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Vice-Chairman Zepp, seconded by Commission Member McCall, to approve the following four Consent items, with a vote of 7-0-0.

**16-1213 Minutes of the Planning and Zoning Commission Regular Meeting of November 8, 2016**

**16-307PF Consider/Discuss/Act on a Preliminary-Final Plat for 157 Single Family Residential Lots, 7 Common Areas and 2 Non-Residential Lots (Bloomridge Addition), Located on the Southeast Corner of County Road 123 (Future Bloomdale Road) and County Road 161 (Future Ridge Road)**

**16-321PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1, 2 and 3, Block A, of Ridge Commons Addition, Located on the Southwest Corner of Ridge Road and McKinney Ranch Parkway**

**16-254PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1R4, 6R1, and 7, Block A, of Parkside at Craig Ranch, Located Approximately 600 Feet North of Henneman Way and on the East Side of Meyer Way**

**END OF CONSENT**

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

**16-306Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "O" - Office District to "SF5" - Single Family Residential District, Located Approximately 785 Feet North of White Avenue and on the East Side of Community Avenue**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that on November 8, 2016 the Planning and Zoning Commission voted 7-0-0 to recommend approval of the rezoning request; however, due to a noticing error this item was being reconsidered at this meeting. Ms. Quintanilla stated that Staff has re-noticed the item accordingly. She stated that the applicant was requesting to rezone the subject property from "O" – Office District to "SF5" – Single-Family Residential District. Ms. Quintanilla stated that Staff was of the professional opinion that the development of non-residential uses may be challenging due to its limited access, the property's mid-block location, and the adjacent residential land uses to the north and future residential uses to the south, which make the property more conducive to residential uses. She stated that Staff did not have any objections to the proposed rezoning request and offered to answer questions.

Commission Member McCall asked for clarification on why the request was brought back before the Planning and Zoning Commission for reconsideration. Ms. Quintanilla explained that the original notice that was sent out stated that the property was zoned "PD" – Planned Development District; however, the property was actually zoned "O" – Office District.

Commission Member Smith wanted to clarify that Staff was recommending approval of the proposed rezoning request. Ms. Quintanilla stated that Staff had no objections to the proposed rezoning request.

Mr. David Kochalka, Kimley-Horn, 5750 Genesis Court, Frisco, TX, explained the proposed rezoning request. He stated that there were no changes made to the request since it was previously presented to the Planning and Zoning Commission. Mr. Kochalka offered to answer questions.

Chairman Cox asked Staff to clarify why the Staff report shows that they were recommending denial of the proposed rezoning request; however, the Staff report also stated that Staff's professional opinion was that they had no objections to the proposed rezoning request. Ms. Quintanilla explained that Staff recommended denial based off of the City of McKinney's Comprehensive Plan and City Council's goal of preserving and developing the non-residential tax base. She stated that professionally speaking Staff had no objections to the proposed rezoning request as development of the entire property for non-residential uses may be challenging due to its limited access, the property's mid-block location, and the adjacent residential land uses to the north and future residential uses to the south, which Staff felt made the property more conducive to residential uses.

Commission Member Smith asked if anybody spoke during the previous public hearing from this request. Vice-Chairman Zepp thought there had been some that spoke in favor of the request.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-chairman Zepp, seconded by Commission Member McCall, the Commission unanimously approved the motion to close the public hearing and recommend approval of the proposed rezoning request, 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 January 3, 2017.

Chairman Cox stepped down on the following item # 16-268PFR due to a possible conflict of interest.

Vice-Chairman Zepp continued the meeting.

**16-268PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for 51 Single Family Residential Lots and 4 Common Areas (Wilson Creek Place), Located on the Southeast Corner of College Street and Wilson Creek Parkway**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed preliminary-final replat. She stated that the applicant was proposing to subdivide the subject property into 51 single-family residential lots and 4 common areas. Ms. Quintanilla stated that the plat met all of the requirements of the Subdivision Ordinance. She stated that Staff recommends approval of the proposed preliminary-final

replat as conditioned in the Staff report and offered to answer questions. There were none.

Mr. Martin Sanchez, Sanchez and Associates, 2000 N. McDonald Street, McKinney, TX, stated that he concurred with the Staff report and offered to answer questions. There were none.

Vice-Chairman Zepp opened the public hearing and called for comments.

Mr. Bo Daffin, Collin Central Appraisal District, 250 Eldorado Parkway, McKinney, TX, stated that they were the adjacent property to the south. He stated that they had excess land between their building and the subject property. Mr. Daffin stated that a sanitary sewer easement was shown across the front of their vacant property on the proposed preliminary-final replat. He stated that they had been in discussion with the developer about the easement; however, it had not been approved by the Board of Directors. Mr. Daffin stated that there were some hurdles from an administrative standpoint, even if the Board of Directors approves the sanitary sewer easement on their property. He believed that under the Government Code they would be required to receive an independent field appraisal to establish the value of granting the right to that easement. Mr. Daffin stated that his legal counsel felt there was a likelihood that under the Texas Property Tax Code Section 6.051 they would need to receive 3/4 approval from all of the voting members in the appraisal district, which includes all of the taxing jurisdictions, before they could transfer any rights to real estate. He stated that this had not been proposed to any of the taxing jurisdictions for consideration. Mr. Daffin stated that he was not speaking against the proposed preliminary-final replat request for the subdivision. He stated that he just wanted to point out that if the replat includes the sanitary sewer easement across the front of their property that the conveyance had not been decided and there are a lot of hurdles to overcome first. Mr. Daffin stated that it appeared on the replat that the easement would be on a separate document tied to this subdivision. He stated that it was not a given that the easement would be granted. Mr. Daffin stated that they had already incurred some legal fees. He expressed concerns about the fees associated with having an independent field appraisal completed. Mr. Daffin stated that they did not want to spend tax payer dollars to grant the developer an easement.

Ms. Beth Ray, 208 Wilson Creek Parkway, McKinney, TX, stated that they live approximate 200' northeast of the subject property. She expressed concerns about traffic issues and how the proposed development would increase the traffic in the area. Ms. Ray stated that since US Highway 75 (Central Expressway) was reconfigured, anybody going to the McKinney High School on Wilson Creek Parkway that use to utilize the underpass now they are coming from Industrial Parkway down College Street and then onto Wilson Creek Parkway. She stated that there had been a number of accidents in the area. Ms. Ray stated that the Collin Central Appraisal District, Senior Center, and City of McKinney offices nearby that generates traffic. She felt it was odd to develop residential uses in an area with so much government uses. Ms. Ray stated that the subject property was more suited to similar uses, instead of residential uses. She stated that there was a small school up the road and questioned if they would have the capacity to absorb that many additional children. Ms. Ray expressed concerns about building residential homes with larger home prices in an area that is demographically not appropriate. She stated that most of the nearby residential properties were approximately \$160,000 and below. Ms. Ray stated that she felt there needed to be more than a traffic study completed. She felt that area needed a stop light to address some of the traffic issues. Ms. Ray asked if the developer was proposing speculative homes. She stated that there were not a lot of sales going on in this demographic. Ms. Ray stated that she would hate to see the developer dig up all of the green space due to speculation instead of guaranty of homes on the subject property.

Mr. LaShadion Shemwell, 1200 N. Tennessee St., McKinney, TX, stated that McKinney needs additional starter or affordable homes. He stated that if the proposed residential development is affordable houses, then he would be in favor of the request. Mr. Shemwell agreed with Ms. Ray that this is an older part of town and there were not a lot of home sells in this area. He stated that we need to utilize all of the available space for our residents. Mr. Shemwell stated that the City of McKinney's population was at approximately 160,000 and we expect it to grow up to 350,000 people when the City is built out. He stated that traffic was going to be an issue regardless, since we expect to double in size at some point in the future. Mr. Shemwell restated that he hopes the proposed residential development is for starter or affordable homes.

Mr. Lars Ray, 218 Wilson Creek Parkway, McKinney, TX, turned in a speaker's card in opposition to the request; however, he did not speak during the meeting. He wrote down that he had concerns regarding traffic control, City resources, and schooling.

On a motion by Commission Member Mantzey, seconded by Alternate Commission Member McReynolds, the Commission voted to close the public hearing, with a vote of 6-0-1. Chairman Cox abstained.

Commission Member McCall asked if the uncertainty of the easement on the Collin Central Appraisal District's property would be an issue for this project. Ms. Quintanilla suggested that the applicant address that question.

Commission Member Smith asked if Staff was aware of the easement issue. Ms. Quintanilla stated that looking at the preliminary-final replat it shows the sanitary sewer easement being proposed by a separate instrument. She stated that the applicant could speak regarding his contribution to the easement. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that it was not uncommon for Staff to receive easements by separate instruments from the plat. He stated that it did not necessary need to be on the plat. Mr. Lockley stated that there could be situations where further negotiations would continue throughout this process, then we will often use this as a means to getting some of the requirements.

Mr. Sanchez briefly discussed some of the sewer options for the property. He stated that they would need to reconfigure a lot of the proposed development if they had to use the other sewer option. Mr. Sanchez stated that when the Collin Central Appraisal District development occurred they should have extended the sewer line to the edge of their property, as is customary and required by the City of McKinney Development Standards; however, that was not done. He stated that there was an existing drainage easement allowed. Mr. Sanchez stated that sewerage follows gravity; therefore, it would naturally go towards the Collin Central Appraisal Districts property. He stated that they had been in discussion with them regarding the easement and they had made them aware of the process involved to grant the easement. Mr. Sanchez stated that if the easement is granted, then the developer would build it entirely on their cost. He stated that was part of the development budget. Mr. Sanchez stated that apartments would be an allowed use under the current zoning on the subject property. He stated that if they

ended up building an apartment complex on the property that you were probably looking at approximately 300-units; however, that was not what they were currently proposing to develop on the property. Mr. Sanchez stated that they were proposing to build single-family residential houses.

Commission Member McCall asked if his tax dollars would have to pay for anything involved in this easement process. Mr. Sanchez said no. He stated that if the undeveloped portion of the Collin Central Appraisal District's property was developed later that they would just tap into the sewer that the developer of this property has already built. Mr. Sanchez restated that the sewer should have already been extended to the edge of the Collin Central Appraisal District's property when they originally developed the site. He stated that you never want to jump sewer basins, since that would create issues elsewhere.

Vice-Chairman Zepp wanted to clarify that the applicant was fully aware of the easement issue and still willing to proceed with this request. Mr. Sanchez said yes.

Alternate Commission Member McReynolds asked if Mr. Sanchez was building these products himself or if he was working with a home builder at this point. Mr. Sanchez stated that they were working with a number of builders at this point. He stated that they would be developing the site and delivering the lots to a builder.

Alternate Commission Member McReynolds asked if they had an idea of the proposed square footage and price ranges for the proposed development. Mr. Sanchez stated that they were still working on that and had not tied down the final detail. He stated that some of it would be market driven. Mr. Sanchez stated that there were not a lot of home sales here; however, he felt there was a strong demand in the area. He stated that when you look at Chapel Hill, sales are exaggerated. Mr. Sanchez stated that there were not a lot of new communities being built on the east side of McKinney. He stated that this was an opportunity to bring in a new product on the east side of McKinney where they could down zone or underutilize the existing entitlements, which he felt was a win-win for everyone.

Alternate Commission Member McReynolds asked if they were not far along in the development process to have an idea of possible pricing of the houses. Mr. Sanchez stated that he did not currently know what the pricing might be on the houses. He gave

some examples that the houses square footage could be anywhere between 1,800' – 2,600', with 2,200' – 2,500' square footage being the sweet spot. Mr. Sanchez stated that he owned a number of homes in that area. He stated that they are very family oriented and require the right number of bedrooms and bathrooms to make them work. Mr. Sanchez stated that there is an economics issue, where they can make money and the market is there to sell the houses.

Commission Member McCall asked if Wilson Creek or College Street might be altered after the traffic study is completed due to the increase in traffic. Ms. Quintanilla stated that would be reviewed by the City of McKinney Engineering Department. She stated that looking at the preliminary-final replat it did not look like additional turn lanes would be required. She stated that when the record plat is submitted there will be additional review done by the Engineering Department.

Vice-Chairman Zepp reminder everyone that the preliminary-final replat was being considered and not the traffic counts.

Alternate Commission Member McReynolds stated that his only concern was the sewer easement and the hurdles for getting the easement approved.

Mr. Lockley stated that this is a two-part process. He stated that a preliminary-final replat would first come before the Commission for consideration and then later a record plat with any further studies would be required. Mr. Lockley stated that at any point during the record plat process if any requirement is not completed, then the plat would not be approved.

Vice-Chairman Zepp stated that the applicant was fully aware of the issues and was willing to go forward with this request.

Commission Member Smith stated that there is not enough new development of the east side of McKinney. She stated that Staff has a process for determining traffic needs with development. Commission Member Smith stated that 51 single-family units would generate far less traffic than the potential of multi-family that could develop on the subject property. She stated that she would much prefer to see single-family residential development on the property. Commission Member Smith stated that she did not believe that high end houses would be built on the site. She felt that there was a potential for affordable housing to be built here. Commission Member Smith stated that she liked



that the developer was willing to invest and take a risk. She stated that she appreciated Mr. Daffin being to light the issue with the easement. Commission Member Smith stated that she understood that this was going to be assumed under a separate document. She stated that was a chance the developer was willing to take.

On a motion by Commission Member Smith, seconded by Commission Member McCall, the Commission voted to approve the proposed preliminary-final replat as conditioned in the Staff report, with a vote of 6-0-1. Chairman Cox abstained.

Vice-Chairman Zepp stated that the Planning and Zoning Commission was the final approval authority for the proposed preliminary-final replat.

Chairman Cox returned to the meeting.

**16-320MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 2R and 3, Block B, of Eldorado Heights Center East Addition, Located on the Northeast Corner of Ridge Road and McKinney Ranch Parkway**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed minor replat. She stated that the applicant was proposing commercial and residential uses on the subject property. Ms. Spriegel stated that the proposed minor replat had met all of the requirements of the Subdivision Ordinance. She stated that Staff was recommending approval of the proposed minor replat and offered to answer questions. There were none.

Mr. Martin Sanchez, 2000 N. McDonald Street, McKinney, TX, briefly explained the proposed minor replat. He stated that he concurred with the Staff report and 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 Kuykendall, seconded by Commission Member Smith, the Commission voted unanimously 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.

**16-267PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for 91 Single Family Residential Townhome Lots, 18 Common Areas and 1 Commercial Lot (Ridge View Townhomes), Located on the Northeast Corner of McKinney Ranch Parkway and Ridge Road**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed preliminary-final replat. She stated that the applicant was proposing to develop 91 single-family residential lots, 18 common areas, and 1 commercial lot. Ms. Quintanilla stated that it had met all of the requirements of the Subdivision Ordinance. She stated that Staff recommends approval of the proposed preliminary-final replat as conditioned in the Staff report and offered to answer questions. There were none.

Mr. Martin Sanchez, Sanchez and Associates, 2000 N. McDonald Street, McKinney, TX, stated that they were planning to purchase the single-family component and not the commercial component on the property. He stated that he concurred with the Staff report and offered to answer questions.

Commission Member Mantzey asked about the zoning on the commercial portion of the property. Mr. Sanchez stated that he believed that the property was zoned "BG" – General Business District.

Commission Member Mantzey expressed concerns about single-family residential being built next to commercial properties. He stated that the new residential property owners might come forward when the commercial property tries to develop at a later time to oppose it. Mr. Sanchez stated that he understood his concerns.

Chairman Cox opened the public hearing and called for comments.

Mr. Fabrice Deyber, 3912 Oakhurst Lane, McKinney, TX, expressed concerns about the proposed townhomes possibly being multistory and looking down on the surrounding residential properties. He stated that their residential properties were located next to the subject property. Mr. Deyber stated that a lot of apartments had been built around their subdivision in the past five years. He stated that he would prefer to see this property be developed as single-family residential houses instead of townhomes.

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

Chairman Cox asked about the proposed height of the townhomes. Mr. Sanchez stated that they were proposing to build two-story townhomes on the subject property within the height limit allowed. He stated that it would be a townhome product that has been very successful in McKinney.

Chairman Cox asked how it would be developed on the northern property line near the surrounding single-family residential houses. Mr. Sanchez stated that there would be the structure, backyard, 15' – 20' alley, screening wall, another fence, the other backyard, and then the residential houses. He stated that he felt very comfortable with the height of this product being located next to single-family houses. Mr. Sanchez stated that the product would face towards the front.

Alternate Commission Member McReynolds asked how deep the lot was from front to back. Mr. Sanchez stated that the lot would be approximately 2,500 square feet and there was approximately 110' of depth from front property line to back property line prior to getting to the alley. He stated that the product would sit somewhere around a 60' pad.

Alternate Commission Member McReynolds wanted to clarify that the angle of height was fairly far away from the rear of the neighboring properties. Mr. Sanchez stated that that was correct.

Vice-Chairman Zepp stated that he felt it would be a similar effect if the developer was building two-story houses on the property. He stated that the townhomes might actually sit further back.

On a motion by Vice-Chairman Zepp, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to approve the proposed preliminary-final replat as conditioned in the Staff report, with a vote of 7-0-0.

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

**16-328SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Single Family Residential Dwelling, Located at 401 South Church Street**

Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the proposed site plan request to construct a single-family detached residential dwelling on the subject property. She stated that site plans located within the "MTC" – McKinney Town Center Zoning District can typically be approved by Staff; however, the requested design exceptions require approval from the Planning and Zoning Commission. Ms. Pickett stated that the applicant was requesting to locate the house approximately 60' back from the property line to preserve two large trees on the property; however, the setback was typically 5' – 20' from of the property line. She stated that the applicant was

requesting to not meet the 50% building frontage requirement along Church Street. Ms. Pickett stated that it was about 44%, which was close to the requirement. She stated that being approximately 60' back from the property line, the effect of having 50% building frontage was lost; therefore, Staff was not opposed to this request. Ms. Pickett stated that the applicant was also requesting that the building pad not be at least 18" above the sidewalk along Church Street due to the lot sloping backwards from Church Street to unimproved Wood Street, and they would have to raise the grade of the lot significantly in order to create that effect. She stated that Staff has no objections to these design exceptions and recommended approval of the request. Ms. Pickett offered to answer questions.

Alternate Commission Member McReynolds asked for clarification on the normal setback. Ms. Pickett stated that it was a build-to and would need to be between 5' – 20' from the property line.

Mr. Dusty McAfee, 5761 Robbie Road, Plano, TX, stated that he had owned the property for approximately six years. He stated that his goal was to build a single family house for his family to live in. Mr. McAfee stated that there was a giant red oak on the property and distributed a photograph of the tree showing its size. He stated that the maximum setback requirement on the property was 20'; however, he was requesting a setback of 60' to save this large tree. Mr. McAfee stated that he met with Ms. Emily Braht, Arborist for the City of McKinney, regarding this large tree. She told him that he would need to build outside of the dripline for the tree. Mr. McAfee stated that there was a sewer cutting off the back third of the property. He requested approval of the request, and offered to answer questions.

Commission Member Smith stated that she highly valued the preservation of the large red oak tree.

Vice-Chairman Zepp thanked Mr. McAfee for saving the large red oak tree.

Alternate Commission Member McReynolds stated that Mrs. McAfee was probably thrilled that the tree was being saved.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Mantzey, seconded by Commission Member

McCall, the Commission unanimously voted to close the public hearing and approve the proposed site plan as conditioned in the Staff report, with a vote of 7-0-0.

**16-311MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 16 and 17 of the Virginia Parkway Professional Center South Addition, Located Approximately 425 Feet East of Jordan Road and on the South Side of Virginia Parkway**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed minor replat. She stated that the applicant was proposing to subdivide two lots for commercial uses. Ms. Quintanilla stated that the proposed minor replat had met all of the requirements for the Subdivision Ordinance. She stated that Staff was recommending approval of the proposed minor replat and offered to answer question. There were none.

Mr. Don Paschal, 904 Parkwood Court, McKinney, TX, stated that he concurred with the Staff report and 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 Smith, seconded by Commission Member McCall, the Commission voted unanimously 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.

**16-312SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for Honest-1 Auto Care, Located Approximately 425 Feet East of Jordan Road and on the South Side of Virginia Parkway**

Ms. Danielle Quintanilla, Planner for the City of McKinney, explained the proposed site plan request to construct an automotive repair facility on the subject property. She stated that typically site plans could be approved by Staff; however, the applicant was requesting approval of a variance to utilize a living plant screen to screen the overnight parking spaces for vehicles awaiting repair and to screen the bay doors located on the west and east side of the building from adjacent residential and non-residential uses and the public right-of-way. Ms. Quintanilla stated that the living screen consists of Nellie R. Stevens Holly and that there is additional screening being proposed by the applicant with the terminus island with canopy tree at the northern end of the parking row and the living plant screening along Virginia Parkway. She stated that Staff is of the professional

opinion that the screening is efficiently placed to screen both the bay doors and overnight parking spaces. Ms. Quintanilla stated that Staff has no objections to the living plant screen variance request. She stated that Staff was recommending approval of the proposed site plan as conditioned in the Staff report and offered to answer questions. There were none.

Mr. Don Paschal, 904 Parkwood Court, McKinney, TX, stated that he concurred with the Staff report and 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 Commission Member McCall, the Commission voted unanimously to close the public hearing and approve the site plan as conditioned in the Staff report, with a vote of 7-0-0.

**16-329Z      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 on the Northeast Corner of Collin McKinney Parkway and Westport Drive**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone the subject property from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "C1" – Neighborhood Commercial District generally to allow for commercial uses. Ms. Spriegel stated that the applicant requested to rezone to "C1" – Neighborhood Commercial District to allow for retail uses to be developed on the subject property, although the existing zoning allows for retail uses the "REC" – Regional Employment Center Overlay requires a 55' rear yard setback to encourage development in an urban form; whereas, the applicant would like to develop the property in a suburban form. She stated that as a primarily commercial zoning district the proposed zoning of "C1" – Neighborhood Commercial District maintains the intent of the existing zoning. Ms. Spriegel stated that "C1" – Neighborhood Commercial District was more restrictive than the current zoning, meaning it provides for less intensive commercial development, which is more appropriate for the area given the surrounding residential uses. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Commission Member Mantzey asked about the setback differences between the current and requested zoning from the residential uses to the north. Ms. Spriegel stated that the "C1" – Neighborhood Commercial District does not have a rear setback; however, they will have a 10' landscape buffer with canopy trees planted 1 per 40 linear feet and also a 6' masonry screening wall. She stated that this allows the parking to be located in the front, while the current zoning has a 55' rear yard setback to encourage the building to front onto the street and for parking to be located in the rear.

Commission Member Mantzey asked if under the current zoning the surrounding residential properties would be approximately 50' from a building on the subject property with a parking lot between them and the building. Ms. Spriegel said yes.

Commission Member Mantzey asked if under the proposed zoning the building could be located approximately 10' from the property line beside the residential properties. Ms. Spriegel said yes.

Commission Member Mantzey asked if the surrounding residential property owners had issues with the proposed drive-thru on the nearby corner property that was recently rezoned to "C1" – Neighborhood Commercial District. Ms. Spriegel said yes.

Mr. Juan Vasquez, 1919 S. Shiloh Road, Garland, TX, explained the proposed rezoning request. He stated that they are proposing to have a retail product on the subject property that would have a fire lane behind the building. Mr. Vasquez stated that there would not be much difference in the distance from the proposed building and the surrounding residential properties. He stated that the distance between the proposed building and the surrounding residential properties might be approximately 40'. Mr. Vasquez stated that they were not proposing to have a drive-thru on the subject property. He stated that they needed a relief to make a standard building depth fit on the lot, which would be within the perimeters of the "C1" – Neighborhood Commercial District. Mr. Vasquez offered to answer questions.

Vice-Chairman Zepp asked if there would be any parking located in the rear of the property. Mr. Vasquez stated that there might be a few spaces in the rear of the property; however, most of the parking would be located in the front of the property for the retail use. He also stated that the property was oddly shaped; the property pinched at the eastern corner creating issues with the 55' dimension.

Commission Member Smith asked if they were just needing flexibility due to the configuration of the lot. Mr. Vasquez stated that was correct and that it would match what the developer did to the nearby property on the corner with the "C1" – Neighborhood Commercial District zoning.

Commission Member Smith stated that the applicant was proposing a less intensive use for the subject property. Mr. Vasquez stated that was correct. He also stated that they own the property across the street and the developer was invested in the area.

Commission Member Mantzey asked where the fire lane was located on the nearby property on the corner. Mr. Vasquez stated that he had not studied their plan in depth. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that he believed that the fire lane on the other property went along Lake Forest, continued down the front of the property along Collin McKinney, and then exited off at Westport; therefore, it went along the front of their property. Mr. Vasquez stated that due to the size of the proposed building and lot size that they would be required to have a fire lane access all around the building on the subject property; therefore, they would also be required to have a fire lane in the rear of the subject property. He stated that they proposed to have shared fire lane access with the middle lot.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Zepp, seconded by Alternate Commission Member McReynolds, the Commission unanimously approved the motion to close the public hearing, with a vote of 7-0-0.

Commission Member Mantzey stated that his concerns about reducing the space between commercial and residential uses had been addressed. He stated that he was fine with the request.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Smith, the Commission voted unanimously 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 January 3, 2017.



Chairman Cox stepped down on the following item # 16-310Z due to a possible conflict of interest.

Vice-Chairman Zepp continued the meeting.

**16-310Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "C3" - Regional Commercial District, Located at 1605 South McDonald Street**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone the subject property from "RS-60" – Single Family Residence District to "C3" – Regional Commercial District generally to allow for commercial uses. Ms. Spriegel stated that the applicant requested to rezone to "C3" – Regional Commercial District to allow for retail uses to continue to operate on the subject property. She stated that the subject property was currently zoned for residential uses; however, given the history of commercial uses on the property, the location fronting a major arterial, and the surrounding retail uses to the north, south, and west, it was Staff's opinion that the rezoning request was compatible and would complement the existing and surrounding uses. Ms. Spriegel stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Commission Member Smith asked how long the current zoning had been in place on the subject property. Ms. Spriegel stated that the current zoning had been in place for a long time; however, was not positive of the exact number of years.

Vice-Chairman Zepp asked how long the existing use had been in place on the subject property. Ms. Spriegel stated that there had been a lawn and landscaping business that had been operating on the site since approximately 2003. She stated that there had been some retail uses prior to that time.

Vice-Chairman Zepp wanted to clarify that the current use was not in compliance with the current zoning on the property. Ms. Spriegel stated that was correct.

Mr. Paul Grundmann, Acappella Family Partnership, Ltd., 1056 Rancho Road, Quinlan, TX, stated that he owned the property and gave a brief history of the various uses on the subject property.

Vice-Chairman Zepp opened the public hearing and called for comments. There being none, on a motion by Commission Member Mantzey, seconded by Commission

Member Kuykendall, the Commission approved the motion to close the public hearing and recommend approval of the proposed rezoning request, with a vote of 6-0-1. Chairman Cox abstained.

Vice-Chairman Zepp stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on January 3, 2017.

Chairman Cox returned to the meeting.

**16-289Z     Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "ML" - Light Manufacturing and "RG-18" - General Residence District to "PD" - Planned Development District to allow for Multi-Family, Live/Work and Retail Mixed Uses, Generally Located on the Southwest Corner of U.S. Highway 380 (University Drive) and Throckmorton Street**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item tabled to the January 24, 2017 Planning and Zoning Commission meeting per the applicant's request. He stated that the item would be noticed for the next Planning and Zoning Commission meeting.

Commission Member Smith asked why the applicant requested the item be tabled to a future meeting. Ms. Robinson stated that there is an item going to City Council in January related to this development. He stated that the applicant wanted to wait and see the outcome for that item before proceeding with this request.

Chairman Cox opened the public hearing and called for comments.

Mr. LaShadion Shemwell, 1200 N. Tennessee St., McKinney, TX, spoke in favor of the request. He stated that the McKinney Housing Authority owned property nearby and would like to see the subject property developed for residential uses. Mr. Shemwell stated that McKinney is in need of additional affordable housing.

On a motion by Commission Member McCall, seconded by Alternate Commission Member McReynolds, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request to the January 24, 2017 Planning and Zoning Commission meeting as requested by the applicant, with a vote of 7-0-0.

**16-357M     Conduct a Public Hearing to Consider/Discuss/Act on the Semiannual Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees**

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees as required by Chapter 395 of the Texas Local Government Code. He stated that Staff recommends filing of the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees.

Vice-Chairman Zepp wanted to clarify that the deficit shown on the Utility Impact Fees Fund Activity in the Staff report would be mitigated by future impact fees collected. Mr. Bloxham stated that was correct. He stated that Staff has earmarked some future projects. Mr. Bloxham stated that we could not spend utility impact fee money that we did not have for the projects.

Vice-Chairman Zepp stated that there was a surplus in the Roadway Impact Fees Fund Activity. Mr. Bloxham stated that the Roadway Impact Fees Fund and Utility Impact Fees Fund were different and could not be used interchangeably. Vice-Chairman Zepp agreed; however, stated that there were roadway projects that could be funded now that would encourage growth.

Commission Member Smith asked if Staff ever compared the Roadway Impact Fees Fund and Utility Impact Fees Fund with other comparable cities to see if they had similar balances. Mr. Bloxham stated that he was not aware of Staff comparing totals for these funds with other surrounding cities.

Chairman Cox asked Ms. Jennifer Arnold, Planning Manager for the City of McKinney, what attributed to Service Area J as having the largest beginning balance and year-to-date revenue. Ms. Arnold stated that two significant multi-family projects came in to that particular area with each bringing in approximately \$500,000 in impact fees.

Chairman Cox opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Vice-Chairman Zepp, seconded by Commission Member McCall, to close the public hearing and recommend filing of the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees, 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 of January 3, 2016.

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

There being no further business, Chairman Cox declared the meeting adjourned at 7:24 p.m.

---

BILL COX  
Chairman