

PLANNING AND ZONING COMMISSION

DECEMBER 11, 2018

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, December 11, 2018 at 6:00 p.m.

City Council Present: Mayor George C. Fuller and Charlie Philips

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Cam McCall, Christopher Haeckler, Deanna Kuykendall, Pamela Smith, and Rick Franklin
- Alternate

Commission Members Absent: Hamilton Doak

Staff Present: Director of Planning Jennifer Arnold; Planning Manager Samantha Pickett; Planners David Soto, Derrick Rhys Wilson, and Kaitlin Gibbon; and Administrative Assistant Terri Ramey

There were approximately 15 guests present.

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

The Commission unanimously approved the motion by Alternate Commission Member Franklin, seconded by Commission Member McCall, to approve the following Consent item.

18-1037 Minutes of the Planning and Zoning Commission Regular Meeting of November 27, 2018.

END OF CONSENT

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

18-0134Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "SF7.2" - Single Family Residential District, Located Approximately 1,300 Feet North of Virginia Parkway and on the West Side of St. Gabriel Way. Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone

the subject property from “AG” – Agricultural District to “SF7.2” – Single Family Residential District. Mr. Soto stated that Staff had taken photographs of the surrounding area and included them in the Staff Report. He stated that the proposed development standards for the “SF7.2” – Single Family Residential District are compatible with the adjacent developments, while preserving the intent for single family residential uses. Mr. Soto stated that Staff is of the professional opinion that the proposed rezoning request will increase the development potential of the property, complement the surround land uses, and is in compliance with the Comprehensive Plan. He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none. Mr. Joel Field, 551 Saint Gabriel Way, McKinney, TX, stated that they intent to build a residential structure on the back four acres 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 Vice-Chairman Mantzey, seconded by Commission Member Smith, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the January 15, 2019 City Council meeting.

18-0018SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Restaurant with Drive-Through Window (Virginia Heights), Located Approximately 200 Feet North of Virginia Parkway and on the East Side of Coit Road. Mr. David Soto, Planner I for the City of McKinney, explained the specific use permit request. He stated that the applicant is requesting approval of a specific use permit (SUP) to allow for a restaurant with drive-through window (Virginia Heights) on the subject property. Mr. Soto stated that Staff has visited the site and taken photographs of the surrounding area and included them in the Staff

Report. He stated that the applicant is proposing to construct two buildings, totaling 19,310 square feet, which would include restaurant and retail uses. Mr. Soto stated that they were proposing a restaurant with a drive-through window on the north side of the building. He stated that the existing zoning is "PD" – Planned Development District that has a base zoning of "BN" – Neighborhood Business District, which requires that a specific use permit be granted in order for a restaurant with drive-through window to be operated on the subject property. Mr. Soto stated that as part of the specific use permit request, the applicant has submitted a site layout exhibit detailing the building, parking locations, and the internal site circulation. He stated that the surrounding area is currently under development for a variety of commercial uses. Mr. Soto stated that Staff has evaluated the request and is of the professional opinion that the site is appropriate for the proposed restaurant with drive-through window and should remain compatible with existing and future surrounding land uses. He stated that Staff recommends approval of the specific use permit and offered to answer questions. There were none. Mr. Julian Castillo, Vasquez Engineering, 1919 S. Shiloh Road, Garland, TX, 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 Alternate Commission Member Franklin, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and recommend approval of the specific use permit as recommended by Staff. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the January 15, 2019 City Council meeting.

18-0013SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Car Wash and Automotive Repair, Located Approximately 600 Feet South of Virginia Parkway and on the West Side

of Custer Road. Mr. David Soto, Planner I for the City of McKinney, explained the specific use permit request. He stated that the applicant is requesting approval of a specific use permit (SUP) to allow for a car wash and automotive repair facility. Mr. Soto stated that the zoning for the subject property, "C2" – Local Commercial District, requires that a specific use permit be granted in order for an automotive repair facility and a car wash to operate on the subject property. He stated that Staff took photographs of the surrounding area and included them in the Staff Report. Mr. Soto stated that in addition to the specific use permit (SUP) the applicant is requesting to utilize living plant screens, composed of Nellie R. Stevens and Little Gem Magnolia, to screen the overhead doors from public right-of-way and the adjacent non-residential property. He stated that it is Staff's professional opinion that the location of the living plant screens have been placed to effectively screen the overhead doors from view of the public right-of-way (Custer Road) and the adjacent properties to the north, west, and south. Mr. Soto stated that Staff has evaluated the request and recommends approval, since the proposed use is compatible with existing land uses of the adjacent properties. He offered to answer questions. Commission Member Haeckler asked if there is a minimum size requirement on the living plants being proposed for screening. Mr. Soto stated that they were proposing that the Nellie R. Stevens and Little Gem Magnolia would be 6 feet or taller at time of planting. Vice-Chairman Mantzey stated that some of the screening recently proposed on other cases have seemed inadequate in actually screening those sites. Mr. Soto stated that the requirement is that the plantings be a minimum of three feet or taller at time of planting. He stated that the landscape plan showed the plantings would be a minimum of six feet at time of planting. Commission Member Haeckler asked if there was a spacing requirement for the living plant screening materials. Mr. Soto stated that Staff will take the spacing into

consideration. He stated that the applicant is showing that they would be fairly close together on the landscape plan. Commission Member Smith asked if there was a requirement that any planting that becomes diseased or dies to be replaced. Mr. Soto stated that they would need to be in conformance with the approved landscape plan and any missing or dead planting material would need to be replaced. He stated that the City of McKinney Code Enforcement Department would respond to any complaints that the area was not properly screened. Mr. Binson Ly, 8716 Denstone Drive, McKinney, TX, concurred with the Staff Report and offered to answer questions. Commission Member Kuykendall asked for clarification on the screening of the proposed car wash and lube service. Mr. Ly stated that they propose to provide oil changes and inspections at this location. He stated that they oriented the proposed building so that the bay doors would not face Custer Road. Commission Member Kuykendall asked about noise levels and if they would be changing tires at the proposed development. Mr. Ly stated that the proposed building would strictly be doing oil changes, state inspections, and possibly some light brake work. He stated that they would not be doing any tire changes. Mr. Vincent Jarrard, Eurythmic Design Group Architects, 1170 Preston Road, Dallas, TX, stated that they like to use the proposed Little Gem Magnolias as screening, since they grow up to 10 – 15 feet at maturity. He stated that they will be six feet at time of planting and would be spaced approximately four feet apart. Mr. Jarrard stated that should provide a nice, tight screen. He stated that they oriented the proposed building so that the bay doors were not facing Custer Road. Mr. Jarrard stated that it would look like once structure with the lube portion of the building would be connected by an entry canopy to the main building. He stated that there were also deed restrictions limiting the maximum height to 22 feet. Mr. Jarrard stated that they would need to abide by the existing aesthetics for the development. He stated that they were

planning to keep the scale small and compatible with the surrounding residential development across from Custer Road. Mr. Jarrard stated that the decibel level along Custer Road would be much higher than what would be produced by this proposed development. 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 Vice-Chairman Mantzey, seconded by Alternate Commission Member Franklin, the Commission unanimously voted to close the public hearing and recommend approval of the specific use permit as recommended by Staff. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the January 15, 2019 City Council meeting.

18-0118SP Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for Victory at Stonebridge Office Park, Approximately 220 Feet East of Stonebridge Drive and Approximately 445 Feet South of U.S. Highway 380 (University Drive). Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed site plan. He stated that the applicant is seeking a variance for a loading space to be located more than 25 feet away from the building. Mr. Wilson stated that the loading space is being proposed approximately 48 feet from the building due to hose lay constraints and fire requirements. He stated that pending a filed shared parking agreement, and hose lay variance from the Fire Department, the applicant meets all other site plan conditions. Mr. Wilson stated that Staff recommends approval of the proposed site plan and variance request. He offered to answer questions. Vice-Chairman Mantzey asked for clarification on the importance of the distance from the building to the loading space. Mr. Wilson stated that when a loading space is further away from the building, the delivery truck will pull up close to the building and be in the way of pedestrian parking and access to the building. He stated that Staff feels it is best to keep a

loading space close to the building to mitigate those types of issues. Vice-Chairman Mantzey asked if Staff feels it is adequate to move the loading space further away for this development. Mr. Wilson said yes, due to the hose lay constraints and fire requirements. Mr. Jonathan Schindler, Kirkman Engineering, 4821 Merlot Avenue, Grapevine, TX, concurred with the Staff Report and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Ms. Elizabeth Rassi, 1713 Landon Lane, McKinney, TX, stated that she did not feel that the surrounding neighborhood, nearby business, or the U.S. Army Corp of Engineers had been notified about this request. She stated that the subject property is located near a U.S. Army Corp of Engineers (ACE) protected area. Ms. Rassi stated that she is very concerned about additional retail going into this area. She expressed concerns regarding a possible noise factor. Ms. Rassi stated that the current parking lot at this site is not large enough to accommodate the general contractor currently working there. She also stated that there had been three general contractors over there in the past year. Ms. Rassi stated that she did not believe that the last contractor has paid for the two brick retaining walls located there. She stated that she has to look at the retaining walls every day and she does not feel that they are up to code. Ms. Rassi stated that quite a few of the residents on Landon Lane are upset about what is going on at this development. Mr. Greg Booth, 7200 Maudsley Drive, McKinney, TX, stated that he was speaking as the business owner of E.J. Willis Gastropub, 1910 N. Stonebridge Drive, McKinney, TX. He stated that the existing loading space on the adjacent site, which sits adjacent to their trash dumpster, is not actually used. Mr. Booth stated that the loading trucks are consistently in the parking areas. He stated that it causes hazards for people who drive behind the restaurants coming from Stonebridge Drive trying to get to the fuel station. Mr. Booth stated that

he did not feel the proposed loading zone area would be attractive to the delivery drivers. He stated that the drivers will park where it is easier for them to drop off items instead of where the actual loading zone is located. Mr. Booth reiterated that he did not feel that proposed loading zone would be utilized. Chairman Cox discussed concerns submitted by Jon Dell'Antonia, 8609 Grand Haven Lane, McKinney, TX, who was not present at the meeting. He stated that Mr. Dell'Antonia listed concerns about not having adequate parking to support the restaurants already in the area and concerns about having two new lots and three new buildings at this site. On a motion by Commission Member Smith, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing. Vice Chairman Mantzey reiterated the concerns mentioned earlier during the public hearing of the truck drivers not using the proposed loading zone and the issues that causes. He asked Staff to explain how the issue of the drivers not using the loading space would need to be handled. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that loading zones are required based upon the building size. She stated that is a zoning requirement to have a loading space. Ms. Pickett stated that it would become the responsibility of the building operator or owner to see that the loading space is being utilized properly. She stated that a lot of times trucks will park in front of a building and, unless it is an issue for the property owners, no one requires the drivers to park in the loading space. Alternate Commission Member Franklin asked if the reason existing Buildings 1 and 2 do not currently have a loading space was that they were not large enough to require one. Ms. Pickett stated that was correct. Commission Member McCall asked if the applicant was providing an adequate number of parking spaces. Mr. Wilson stated that the applicant, Staff, and the City Attorney have been working on a shared parking agreement, so once it is finalized they would be in conformance

to the parking requirements for the site. Vice-Chairman Mantzey asked who the other party was to the shared parking agreement. Mr. Wilson pointed out the seven parking spaces being considered for the shared parking agreement. Ms. Pickett stated that she believes the parking spaces belong to an existing office development. She stated that as long as they meet the requirement, they would be considered to be in conformance with the Ordinance. Chairman Cox asked what party has the right to make a decision on shared parking agreements. Ms. Pickett stated that the agreement would be between the two property owners and then it would be reviewed and approved by the City Attorney. Chairman Cox questioned what happens when a property owner agreed to a parking agreement although the tenant using the space was not in favor of the agreement due to parking issues. Ms. Pickett stated that the City would make sure that it met the minimum parking requirements. She stated that in order to share parking the uses would need to operate at opposite times or the lot offering up the extra available parking spaces would be required to have excess parking above and beyond what is required by the Ordinance. Ms. Pickett believed that the other lot entering into the agreement has excess parking. Chairman Cox asked if the 81 parking spaces for the subject property includes the eight parking spaces from the potential shared parking agreement. Mr. Wilson said yes. Chairman Cox asked if a building permit would not be issued if the shared parking agreement does not get filed. Mr. Wilson stated that was correct. Ms. Pickett stated that any action taken on this request is solely on the loading space variance. Commission Member Smith wanted to clarify that proper notification was done on this request. Mr. Wilson stated that proper notification was done on this request. He explained that notifications about the request were mailed to properties within a 200-foot buffer of the subject property. Chairman Cox stated that a property owner could be just over the 200-foot buffer and not

receive a notification. Mr. Wilson said yes, if it is in excess of 200 feet. Vice-Chairman Mantzey asked why a notification was required on this request. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that a notification was required since a variance was required on the site plan. She stated that the 200-foot notification buffer that Staff uses is a State of Texas law requirement and not a Staff interpretation. Commission Member Smith asked if Staff heard from any adjacent business owners regarding this request. Mr. Wilson stated that he did not hear from any of them on this request. Chairman Cox asked the applicant to come forward to respond to the questions and concerns mentioned during the public hearing. Mr. Schindler stated that this site plan is being constructed in conjunction with a site plan on the adjacent property that has already been approved. He stated that adjacent property has the seven shared parking spaces that they plan to use and it is not currently existing parking. Mr. Schindler stated that the site sharing the parking has an excess of parking spaces and it meets all City codes and requirements. He stated that the majority of the parking issues currently at the site happen over the weekend. Mr. Schindler stated that the majority of the three buildings that they are proposing would be professional office uses and they should not have a high parking demand over the weekends. He stated that the proposed development would actually help the current parking issues in that area. Chairman Cox asked for additional information regarding the reference to a green space to the east of the subject property. Mr. Schindler stated that there is a buffer lot to the east that is undeveloped land with a creek running through it. He stated that their development would not be crossing the property lines there. Mr. Schindler stated that they were proposing a medical office with a little retail use for the proposed three buildings. He stated that they build the loading zones based off of the City's requirements. Mr. Schindler stated that they try to locate the

loading space in a spot that works best for the flow of the site. He stated that the variance request for the proposed loading space was strictly a safety issue as requested by the Fire Marshal. On a motion by Alternate Commission Member Franklin, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to approve the variance to the site plan as conditioned in the Staff Report.

17-0234SP Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Medical Office Building (Lake Forest Plaza), Located Approximately 265 Feet West of Lake Forest Drive and on the North Side of Collin McKinney Parkway. Mr. David Soto, Planner I for the City of McKinney, explained the proposed site plan and variance request. He stated that the applicant is proposing to construct two offices on the subject property. Mr. Soto stated that the site plan was originally approved on October 9, 2017. He stated that the applicant is requesting approval of an alternate screening device to screen the HVAC equipment from public right-of-way. Mr. Soto stated that Staff took photographs of the surrounding area and included them in the Staff Report. He stated that mechanical and heating and air conditioning (HVAC) equipment in non-residential districts shall be screened from view of the public right-of-way and adjacent residential property. Mr. Soto stated that the applicant is seeking approval of a living screen device, composed of 5-foot tall Pencil Point Juniper, to screen the HVAC equipment from the view of public right-of-way. He stated that it was Staff's professional opinion that the proposed living screen, especially given the small area of exposure to the right-of-way, will serve as an adequate screening device. Mr. Soto stated that Staff recommends approval of the proposed variance request and offered to answer questions. Commission Member Smith asked if there had been any conversation with City Council and Staff regarding revising the Zoning Ordinance due to the influx of variance requests for alternate screening

devices. Mr. Soto stated that Staff wants to make sure that any proposed living screen would be adequate. Commission Member Smith stated that we could mandate what is an adequate living screening device in the ordinance. Ms. Jennifer Arnold, Planning Director for the City of McKinney, stated that there has not been a specific discussion from City Council on this subject. She stated that as Staff has been keeping track of these variance requests and could consider making changes to the Zoning Ordinance during a future update to the ordinance. Commission Member Smith asked if Staff has studied neighboring cities ordinance to see how they handle these situations. Ms. Arnold said yes, Staff has been studying various ordinances from sister cities and benchmark cities. She explained that all cities are structured differently; therefore, comparing ordinances is not as simple as it might seem on the surface. Ms. Arnold stated that Staff has organized and set up a database of the various ordinances from these other cities. She stated that it was no small feat and that we are excited to have this resource as Staff will be preparing the ordinance update. Mr. Doug Weaver, G & A Consultants, LLC, 201 Country View, Roanoke, TX, concurred with the Staff Report and briefly explained the variance request. He briefly discussed the screening wall currently constructed on the site. Mr. Weaver stated that he feels the Zoning Ordinance regulations are more for a larger development, instead of what is being proposed here. He stated that they requested the variance since the proposed smaller HVAC units require airflow around them. Mr. Weaver stated with the proposed screening the HVAC units would not be visible from the public right-of-way or the nearby residential development. He felt that they were meeting the intent of the ordinance and requested approval of the request. 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

unanimously voted to close the public hearing and approve the proposed site plan and variance request as recommended by Staff.

18-0139SP Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for Skyline 380 Retail, Approximately 660 Feet West of Skyline Drive and on the North Side of U.S. Highway 380 (University Drive). Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed site plan and variance request. He stated that the applicant is seeking a variance for a loading space to be located more than 25 feet away from the building. Mr. Wilson stated that the applicant is proposing to relocate the loading space approximately 48 feet from the building at the end of a parking row. He stated that the applicant has met all other site plan requirements and Staff sees no other concerns. Mr. Wilson stated that Staff recommends approval of the proposed site plan and variance request as conditioned in the Staff Report. He offered to answer questions. There were none. Mr. Casey McBroom, Cross Engineering, 131 S. Tennessee Street, McKinney, TX, concurred with the Staff Report and offered to answer questions. Vice-Chairman Mantzey asked for additional information on why they were requesting the variance. Mr. McBroom stated that it is a shell building with several tenants. He stated that they were trying to locate the loading space either on the right or left of the building, so that they were not blocking an entrance to a retail business. Mr. McBroom stated that at this site they do not have the room to place the loading space on the left or right side of the building; therefore, they were proposing to locate it across the drive as close as possible to the building. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded by Alternate Commission Member Franklin, the Commission unanimously voted to close the public hearing and approve the proposed site plan and variance request as recommended by Staff.

18-0254MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lot 1, Block A of the McWilliams Manor Addition, Located at 504 West Virginia Street. Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed minor replat. He stated that the applicant is proposing to replat two existing lots into one lot for residential uses. Mr. Wilson stated that the applicant meets all standard platting conditions. He stated that Staff recommends approval of the proposed minor replat and offered to answer questions. There were none. Mr. Lawrence Ringley, Ringley & Associates, 701 S. Tennessee St., McKinney, TX, explained the proposed minor replat. He stated that the existing house sits on McKinney Outlots No. 594 and the back porch overlaps onto Lot 1, Block A, of the Huggins Addition. Mr. Ringley stated that the property owner was trying to get a renovation permit for some work they were planning to do to the structure. He stated that was when they realized the structure was sitting on two lots and it triggered the proposed minor replat request. Mr. Ringley offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Mr. Tracy Montierth, 506 W. Virginia Street, McKinney, TX, spoke in support of the request. On a motion by Commission Member Kuykendall, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public hearing and approve the proposed minor replat as recommended by Staff.

18-0211PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 4 and 5, Block A of Victory at Stonebridge, Located at 1800 North Stonebridge Drive. Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed preliminary-final replat. He stated that the applicant is proposing to replat part of one existing lot and a common area into two lots for commercial uses. Mr. Wilson stated that the applicant meets all standard platting conditions. He stated that Staff recommends approval of the proposed preliminary-final replat and

offered to answer questions. There were none. Mr. Jonathan Schindler, Kirkman Engineering, 3821 Merlot Avenue, Grapevine, TX, 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 Vice-Chairman Mantzey, seconded by Alternate Commission Member Franklin, the Commission unanimously voted to close the public hearing and approve the proposed preliminary-final replat as recommended by Staff.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Ms. Jennifer Arnold, Director of Planning, invited the Commission Members to attend the 2019 Focus North Texas Regional Planning Symposium. She stated that it was a great local resource for training and professional development.

Chairman Cox announced that Commission Member Smith was stepping down from the Planning and Zoning Commission effective immediately due to moving out of town to be closer to family. Commission Member Smith thanked the City Council for appointing her to the Commission, the Planning and Zoning Commission Members for being respectful and conscientious, and Staff for being efficient and courteous. She stated that she had many years of public service prior to coming to the City of McKinney. Commission Member Smith stated that serving for the City of McKinney had been a positive learning experience. She wished Mayor Fuller and City Council every success in stewarding the City of McKinney in the future. City Council Member Philips thanked Commission Member Smith for her years of service to the City of McKinney.

Chairman Cox thanked Staff for their hard work.

There being no further business, Chairman Cox declared the meeting adjourned at 7:05 p.m.

BILL COX
Chairman