

PLANNING AND ZONING COMMISSION

JANUARY 12, 2021

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, January 12, 2021 at 6:00 p.m.

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

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, Cam McCall, and Bry Taylor

Alternate Commission Member Charles Wattley was present; however, did not participate in the meeting.

Alternate Commission Member absent: Scott Woodruff

Staff Present: Director of Development Services Michael Quint, Director of Planning Jennifer Arnold, Assistant Director of Planning Mark Doty, Planner II Kaitlin Gibbon, Planner Joseph Moss, and Administrative Assistant Terri Ramey

There were approximately 25 guests present.

Chairman Cox called the meeting to order at 6:05 p.m. after determining a quorum was present.

Chairman Cox Called for public comments on non-public hearing agenda items. There were none.

The Commission unanimously approved the motion by Commission Member Haeckler, seconded by Commission Member Kuykendall, to approve the following Consent item, with a vote of 7-0-0.

21-0012 Minutes of the Planning and Zoning Commission Regular Meeting of December 8, 2020.

END OF CONSENT AGENDA

PLAT CONSIDERATION UNDER TEXAS LOCAL GOVERNMENT CODE CHAPTER 212

20-0171CVP Consider/Discuss/Act on a Conveyance Plat for Lots 1C and 2C, Block A of the Wysong Hospital Addition, Located at the Southwest Corner of Virginia Parkway and U.S. Highway 75. Mr. Jos Moss, Planner for the

City of McKinney, explained the proposed conveyance plat and offered to answer questions. There were none, on a motion by Commission Member Haeckler, seconded by Commission Member Doak, the Commission unanimously voted to approve the conveyance plat as conditioned in the Staff Report, with a vote of 7-0-0.

END OF PLAT CONSIDERATION UNDER TEXAS LOCAL GOVERNMENT CODE
CHAPTER 212

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

20-0007SUP2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for Indoor Amusement Uses, Located at 101 North McDonald Street (WITHDRAWN BY APPLICANT). Ms. Kaitlin Gibbon, Planner II for the City of McKinney, stated that Staff recommends that the public hearing be closed and the request be tabled indefinitely due to the applicant withdrawing the specific use permit request. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission Unanimously voted to close the public hearing and table the request indefinitely as recommended by Staff, with a vote of 7-0-0.

20-0026SP Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Multi-Family Development (Collin Square), Located on the Southwest Corner of Bloomdale Road and U.S. Highway 75 (Central Expressway), (REQUEST TO BE TABLED). Ms. Kaitlin Gibbon, Planner II for the City of McKinney, stated that Staff recommends that the public hearing be continued and the request be tabled to the January 26, 2021 Planning and Zoning Commission meeting to allow Staff to continuing working with the applicant to address Staff comments and the approval of a flood study. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey,

seconded by Commission Member McCall, the Commission Unanimously voted to continue the public hearing and table the request to the January 26, 2021 Planning and Zoning Commission meeting, , with a vote of 7-0-0.

- 20-** Conduct a Public Hearing to Consider/Discuss/Act a Specific Use Permit
- 0009SUP2** Request to Allow for a Self-Storage Facility (Davis Group Storage), Located 900 Feet North of White Avenue and Approximately 270 Feet East of Hardin Boulevard. Mr. Joe Moss, Planner for the City of McKinney, explained the proposed specific use permit request for a self-storage facility. He stated that Staff recommends approval and offered to answer questions. Vice-Chairman Mantzey asked about Staff's review of building heights for commercial development. Ms. Moss stated that building height is measured to the top of a parapet wall on a flat roof structure, and that the elevations are reviewed with the building plans at time of building permit submittal. Mr. Grey Reed, Davis Group, 5345 Towne Square, Plano, TX, briefly explained the proposed specific use permit. Mr. Justin McCarthy, 300 N. Field Street, Dallas, TX, explained the proposed specific use permit and offered to answer questions. Commission Member Haeckler asked if the proposed grading would not change the volumetric storage of the two detention ponds located on either side of the site plan. Mr. McCarthy stated that was correct. Commission Member Haeckler stated that there is a 2 1/2' sewer easement on the front and if it was for a right-of-way dedication. Mr. McCarthy stated that it was. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and recommend approval of the proposed specific use permit 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 February 2, 2021.

20-0127Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for Multi-Family and Commercial Uses, Located on the Northwest Corner of Frisco Road and State Highway 5 (McDonald Street), and on the Southwest corner of Spur 399 and State Highway 5 (McDonald Street). Mr. Joe Moss, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff was recommending denial of the proposed rezoning request due to concerns with the proposed low-density multi-family residential uses and the lack of conformance with the Comprehensive Plan. Mr. Moss explained that the applicant was proposing to subdivide the property into three tracts with associated development regulations that stipulate the permitted uses and development standards that each must follow. He discussed the plans for all three proposed tracts and Staff's concerns. Commission Member Haeckler asked about the surrounding property. Mr. Moss stated that the properties between tracts 2 and 3 were existing multifamily that was permitted under the current zoning. The west side has garden offices and a 7-eleven. To the east there are a number of commercial zonings and uses such as assisted living. To the north is multifamily. Vice-Chairman Mantzey asked for clarification on Staff's objections to the request. Mr. Moss stated that the Comprehensive Plan calls for a professional center at this location. He stated that the property is unique given the location at two major regional roadways, and felt the proposed zoning was contrary to the comprehensive plans vision for the Southgate District, which calls for a density of commercial and professional center uses. Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard; Suite

300; McKinney, TX; explained the proposed rezoning request and gave a presentation. He stated that they were proposing build-for-rent or single-family attached rentals. Mr. Roeder gave an overview of his client, Newgrowth Equities, and the proposed development. He stated that Tract 1 would be set aside for a commercial zone with a hotel as a permitted use. Mr. Roeder discussed the current access issues. He stated that on Tracts 2 and 3 they were proposed to develop build-for-rent community with less than 10 units per acre. Mr. Roeder stated that the development would have private streets. He discussed the proposed multistory height restrictions, locations, and density (no more than six units per structure). Mr. Roeder discussed the proposed amenities. He stated that the subject proposed has been vacant for some time. Mr. Roeder stated that the property is located in Tax Increment Reinvestment Zone # 1 (TIRZ # 1). He discussed the benefits from the proposed development. Mr. Roeder requested a favorable recommendation and offered to answer questions. Commission Member Haeckler asked about the proposed shared amenities for Tracts 2 and 3. Mr. Roeder discussed the proposed common amenities and locations. Chairman Cox opened the Public Hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Haeckler asked about Staff's concerns with the proposed development regulations and reduced parking. Mr. Moss discussed Staff's concerns and gave examples. Vice-Chairman Mantzey asked Mr. Roeder to discuss the proposed parking. Mr. Roeder stated that parking in any development was a critical aspect. He stated that it would be injurious to the development if under parked. Mr. Roeder stated that his client was satisfied with the proposed parking for the development. Commission Member Doak asked Mr. Roeder the status of the proposed

development and what his client was ready to start developing once approved. Mr. Roeder stated that the build-for-rent units was what his client develops. He stated that the Tract 1 was not ready for development at this time. Commission Member McCall asked what type of buffer would be located behind the single-family development that backs up to State Highway 5 (McDonald Street). Mr. Roeder stated that they intend to have a similar buffer as the other two multi-family developments nearby. He stated that it was heavily landscaped with trees. Commission Member McCall expressed concerns regarding noise levels from major roadways like State Highway 5 (McDonald Street). Mr. Roeder felt that his client would have considered the noise from the roadway when working on the proposed development. He stated that it was his understanding that Texas Department of Transportation (TxDOT) has all of the right-of-way needed for future development of Spur 399 and 50' distance from the future access road and the subject property line. Mr. Roeder stated that they felt there was adequate setback along Spur 399. Commission Member Haeckler asked if a screening wall was required under the current zoning of the property. Mr. Moss stated that the current zoning envisioned an urban walkable style development, so that no screening wall or entry gate was currently required. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that Staff was concerned with retaining the commercial uses along the Spur 399 frontage. Commission Member Haeckler inquired about the proposed screening fence behind the proposed properties along State Highway 5 (McDonald Street). Mr. Roeder stated that they proposed to have a walkout with tubular style fencing. Commission Member Haeckler had questions regarding the development process for Tract 1 developing with a hotel use. Ms. Arnold believe that it would be subject to the "C2" - Local Commercial District standards with the allowance for the hotel by right. Vice-Chairman

Mantzey stated that it was a difficult tract to develop. He understands that Staff wants to follow the Comprehensive Plan and appreciated that the applicant was setting some commercial back that they felt was valuable. Vice-Chairman Mantzey gave an example of the Southgate development not being as successful as envisioned by some. He stated that some buildings had been torn down in Fairview due to being overbuilt. Vice-Chairman Mantzey stated that the area around US Highway 75 (Central Expressway) and Eldorado Parkway struggles due to traffic patterns and empty big box retail in that area. He stated that the proposed product was different and that he was not sure what to think of it as a whole. Vice-Chairman Mantzey stated that he did not see this area developing as a retail or corporate campus at any time soon. He stated that he would recommend approval of the proposed rezoning request with a note that Staff and the applicant discuss the parking in more detail. Commission Member McCall concurred with Vice-Chairman Mantzey's comments. He reiterated his concerns regarding his noise concerns, buffer along State Highway 5 (McDonald Street), and the proposed parking not being adequate. Commission Member McCall stated that he would recommend approval and City Council making the final decisions on the request. Commission Member Kuykendall stated that she has significant concerns regarding this request. She stated that her concerns had not been alleviated during this meeting; therefore, she would be supporting Staff's recommendation for denial of the proposed rezoning request. Commission Member Haeckler stated that he also had concerns regarding the frontage along Stated Highway 5 (McDonald Street). He stated that Mr. Roeder stated that there would be future roadway development along the frontage that will create some opportunities in the future. Commission Member Haeckler stated that this property faces State Highway 5 (McDonald Street) and was an entrance into the city; therefore, he felt this property should be retained

for commercial uses. He expressed concerns regarding the proposed parking, setbacks, etc. Commission Member Haeckler stated that he would be in support of Staff's recommendation for denial of the proposed rezoning request. Chairman Cox stated that this is a challenging site. He stated that the applicant and Staff worked together to come up with a layout that really improves an area of town that has been a challenge to have people come in to commit the funds required to develop the property. Chairman Cox stated that he supports the plan and applaud the applicant and Staff for working together. On a motion by Commission Member Doak, seconded by Commission Member Taylor, the Commission approved the motion to recommend approval of the proposed rezoning request per the applicant's request, with a vote of 5-2-0. Commission Members Haeckler and Kuykendall voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to City Council for final action at the February 2, 2021 meeting.

20-0140Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C2" - Local Commercial District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family Uses, Located on the Southeast Corner of Hardin Boulevard and Virginia Parkway. Ms. Kaitlin Gibbon, Planner II for the City of McKinney, stated before tonight's meeting, she distributed letters of support and letters of opposition that were submitted after the packet was create to the Commission. She explained the proposed rezoning request. Ms. Gibbon stated that a similar request was brought before the Commission and City Council in 2020 and was ultimately withdrawn by the applicant (case number 2020-0006Z). She stated that this new request includes many of the same features of the previous case, with the exception of a modification to the placement of the required screening device. Ms. Gibbon stated that Staff

has concerns with rezoning this commercial property to allow for a residential development. She stated that the property is located at a hard corner of two major arterials and was just recently zoned to "C2" – Local Commercial District in 2019 to allow for commercial uses. Ms. Gibbon stated that given the stated goal of City Council to preserve as much meaningful commercial opportunities as possible, Staff was unable to support the request. She stated that in addition to Staff's concern about the proposed use in this particular location, Staff also has concerns with the requested increase in height to allow for 3-4 story apartment buildings in an area that is not inherently urban. Ms. Gibbon stated that given these factors, Staff was unable to support the proposed rezoning request and offered to answer questions. There were none.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard; Suite 300; McKinney, TX; explained the proposed rezoning request and gave a presentation. He gave a brief history of the previous case. Mr. Roeder stated that since then the property is under contract with DHI Communities, Inc., which is division of D.R. Horton, Inc. He stated that they had several meetings with Sorrellwood Terrace residents and two ZOOM meetings held with Sorrellwood Park residents to share information about the proposed development. Mr. Roeder stated that approximately 7 of the 12 acres was developable on the subject property. He briefly discussed the development on the hard corner of the intersection. Mr. Roeder gave an example of the City of Plano have too many commercial developments at intersections that were unsuccessful. He felt that this intersection was already maxed out on retail opportunities; therefore, the proposed multi-family development would be an appropriate use at this location. Mr. Roeder stated that the City's long-range plan shows this site as Urban Living, which would include multi-family uses. He stated that the cost of the proposed development would be approximately \$45,000,000. Mr. Roeder stated

that the Park Dedication fee would be approximately \$1,000,000. He stated that the estimated household income would be \$70,000 per year for the residents. Mr. Roeder felt that once approved that they would be breaking ground quickly. He stated that they submitted a new concept plan that is different than the one submitted with the previous request. Mr. Roeder stated that they were requesting to place the screening wall on the north side of the proposed 30' existing tree buffer instead of on the property line. He stated that they were proposing a 100' setback before any resident structure could be built. Mr. Roeder stated that they were willing to cap the total number of units for this project to 250 units. He stated that they were willing to reduce the height of the building to the west from a 4 story to a 3 story to address Staff's concern of the relationship of buildings on that corner. Mr. Roeder stated that most of the building had been oriented to a north-south configuration. He stated that they intent to keep the property depressed to limit the effect of the height of the buildings from the right-of-way. Mr. Andrew Wiley, DHI Communities, 9227 Larchwood Drive, Dallas, TX, discussed their typical product that they build. He stated that this would be a gated, luxury apartment development with would be 24-hour security. Mr. Wiley stated that once approved they would be ready to start construction this year. He felt that there was a need for this type of housing in this area. Mr. Wiley showed similar projects that they built around the country. Mr. Roeder stated that a traffic engineer had looked at the difference between commercial development compared to multi-family residential development at this site. He stated that the traffic engineer concluded that the commercial development would generate almost three times more traffic during peak hours and during normal daily times. Mr. Roeder stated that they felt they address the noise concern with the proposed 30' tree zone and the 100' setback. He did not feel this type of development would have a lot of children in it. Mr. Roeder stated that

this project would be required to meet all the City's performance standards in terms of light pollution, air pollution, etc. He stated that having an immediate taxable project on the City's tax rolls would outweigh whatever future tax base you might get with future commercial development. Mr. Roeder stated that this property was an investment property. He briefly discussed what could be developed on the property under the current zoning. Commission Member Haeckler asked for clarification on what part of the development they were offering to reduce the height. Mr. Roeder referenced the building to the west on the concept plan. He stated that the property was below grade. Mr. Roeder explained how they wanted to measure the heights of the building from sea level. He stated that there could be four-story buildings; however, looking at them from the ground that they would appear to be three-story. Commission Member Haeckler asked if the utilities being allowed in the 30' tree zone. Mr. Roeder stated that those would be City utilities. He briefly mentioned the location for the water and sewer utility locations for the site. Mr. Roeder stated that language was added by the City, so if they needed to do something in that location they could. Commission Member McCall asked if the surrounding residents had seen the update concept plan. Mr. Roeder stated that they had seen something almost the same as what was being presented at this meeting. He stated that the 30' tree zone and 100' setback had been consistent throughout. Commission Member Doak stated that on the previous request the egress coming out to the north on Virginia Parkway only had a righthand turn with no access to turn left. He stated that it appears that the proposed entrance was moved. Commission Member Doak asked if a left turn would now be allowed on Virginia Parkway. Mr. Roeder stated that was an engineering issue that would come up during the site plan phase. Chairman Cox opened the public hearing and called for comments. Ms. Jerri Robertson, 336 Tottenham Court, McKinney,

TX, stated that she is the President of Sorrellwood Terrace Homeowner Association (HOA) and spoke in opposition to the request. She stated that she had only been invited to one presentation by the applicant and there was not a lot of opportunity to have a back and forth discussion on things that they would have liked as a community. Ms. Robertson stated that they purchase their property thinking that the property behind them was zoned for commercial uses. She stated that the proposed development does not align with the City's master plan that was created to balance tax revenues and generate commercial and residential contributions. Ms. Robertson expressed concerns about the proposed development increasing traffic, foot traffic through their community, pollution, and affecting her property tax. She asked that the City keep nature in mind. Mr. Robertson requested at the City stick with the well-thought-out Master Plan that kept this parcel as commercial uses. Ms. Joy Sorrell Wood, 1020 Denton Creek Drive, McKinney, TX, spoke in support of the request. She stated that DHI Community had tried to meet with a lot of the residents in Sorrellwood Park. Ms. Wood stated that she knew there was opposition to the request. She stated that the applicant had revised the plan from the previous request. Ms. Wood stated that she did not like the building facing Virginia Parkway in the previous plan. She discussed the positive things that she saw in the current presentation. Ms. Wood stated that she is in favor of the request and she felt it would be a good asset to McKinney. Ms. Leslie Hemenway, 305 Carnaby Court, McKinney, TX, turned in a speaker card in opposition to the request; however, did not wish to speak during the meeting. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Haeckler asked for clarification on the elevation and height of the proposed buildings compared to the adjacent neighborhood. Ms.

Gibbon stated that they have not gone through an extensive site plan review for this property; therefore, Staff does not know the exact elevation. She stated that the applicant put the maximum level height at sea level requirements within the regulations. Commission Member Haeckler asked if the adjacent neighborhood had two-story homes. Ms. Gibbon said yes. Commission Member Haeckler asked if the proposed development would be depressed by a story. Mr. Roeder said yes. Ms. Gibbon stated that the property does slope down going east on Virginia Parkway. Commission Member Haeckler asked for clarification on the change between the previous submittal and the present request. Ms. Gibbon stated that there was a change in the development standards regarding the location of the screening device for the southern property line so that the screening was located on the north side of the tree zone. Vice-Chairman Mantzey asked for clarification on the changes offered during the meeting by the applicant. Mr. Roeder stated that they were suggesting to have a cap of 250-units, the building furthest to the west on the property being limited to a three-story, and adding a 100' building setback on the south side of the property. He stated that they were willing to push all of the buildings back behind the 100' setback to create more of a buffer. Vice-Chairman Mantzey stated that he was for the previous request due to how much retail was located at Hardin and State Highway 380 (University Drive) and at El Dorado and Hardin. He stated that there were commercial uses in two of the hard corners at this intersection. Vice-Chairman Mantzey stated that Stonebridge and Virginia Parkway there are apartments on the corner, and it was a viable corner for the City. He stated that he would hate to see this property being a third gas station on the corner with a lot of drive-throughs along the way. Vice-Chairman Mantzey stated that the applicant has gone back and given more with the 100' setback and the windows looking east to west. He stated that there was no direct access to the local

neighborhood. Vice-Chairman Mantzey stated that there were good trees between the two developments. He stated that he was in support of the proposed rezoning request. Commission Member Kuykendall stated that she concurred with Staff's recommendation for denial. She felt that there was opportunity at this location. Commission Member Kuykendall also mention the letters of opposition received on this request. Commission Member Taylor stated that concurred with Commission Member Kuykendall's comments. He felt the current zoning suited the property. Commission Member Taylor stated that he would be voting for denial of the proposed rezoning request. Commission Member Haeckler stated that he still had concerns regarding the building height. He stated that there needs to be a balance of commercial. Commission Member Haeckler stated that the concept idea was interesting. He stated that residential multi-family development could work here; however, he still had concerns about the height. Commission Member Haeckler stated that he would be voting for denial of the proposed rezoning request. Commission Member Doak believed that we have plenty of commercial on the two corners. He stated that this corner was a challenging property due to topography and layout. Commission Member Doak stated that he appreciated the applicant coming back with some modifications to make the proposed development more appealing for the community. He stated that he was in favor of this project. Commission Member McCall concurred with Commission Member Doak's comments. He felt there was too much commercial at this corner already. Commission Member McCall stated that the proposed development would complement the area. He stated that he would also be in support of approving the proposed rezoning request. Chairman Cox stated that he was in favor of the applicant's request, especially with the applicant being willing to increase the setback on the southside, cap the number of units to 250 and three-

stories. He felt that this was an appropriate request for the subject property. On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission voted to recommend approval of the proposed rezoning request with the addition of a 250-unit cap, western most building being limited to three-story, and the 100' setback to the south, with a vote of 4-3-0. Board Members Haeckler, Kuykendall, and Taylor voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 2, 2021.

20-0011SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for Automobile Sales, Repair, and Storage Uses (McKinney Dodge), Located at the Northwest Corner of Rockhill Road and U.S. Highway 75 (Central Expressway). Ms. Kaitlin Gibbon, Planner II for the City of McKinney, stated that she distributed a letter of opposition to the Commission that was submitted after the packet was created and that will go on to the City Council meeting as part of that packet. She explained the proposed specific use permit (SUP) request. Ms. Gibbon stated that the applicant was requesting a specific use permit (SUP) to allow for automobile sales, repair, and storage uses (McKinney Dodge). She stated that the applicant proposed to construct an approximate 58,800 square-foot building for the dealership. Ms. Gibbon stated that a previous specific use permit (SUP) request was approved for a portion of this site for the dealership by City Council in April 2019. She stated that the applicant was now bringing forward a new specific use permit (SUP) request to expand the building and increase the lot size for this use. Ms. Gibbon stated that as part of the specific use permit (SUP) request, the applicant was also seeking a variance for the bay door orientation towards right-of-way and to request an alternative screening device for the screening requirements for those bay doors. She stated that the applicant was proposing to plant canopy

trees at a denser ratio of one tree for every 25' along Rockhill Road and US Highway 75 (Central Expressway) as an alternate screening device. Ms. Gibbon stated that the orientation of bay doors and the alternative screening device were previously considered and approved with the previous specific use permit (SUP) request. She stated that considering these factors, Staff does not have any objections to these requests should the specific use permit (SUP) be approved. Ms. Gibbon stated that Staff has evaluated the request and has concerns with the expansion of this use beyond the previous request on this site. She stated that the additional land that is now a part of this request was just recently zoned to "C3" – Regional Commercial District towards the end of last year. Ms. Gibbon stated that given that this newly zoned property is an opportune location for achieving commercial and retail developments along the frontage of US Highway 75 (Central Expressway) and Virginia Parkway, Staff was of the opinion that the additional land should be preserved for uses permitted within the new zoning district. She stated that Staff was unable to support the proposed specific use permit (SUP) request and offered to answer questions. Ms. Gibbon drew a line on the overhead exhibit to show the area for the previously approved specific use permit (SUP) on the subject property. Commission Member McCall asked if the dealership would have any frontage on Virginia Parkway. Ms. Gibbon stated that the remainder of that corner was being preserved for commercial uses. Commission Member Haeckler asked about the 100-year floodplain and existing trees in that area. Ms. Gibbon stated that they would have the ability to remove up to 30% of the existing trees in the floodplain area. Vice-Chairman Mantzey asked about the proposed screening. Ms. Gibbon stated that the applicant is still proposing the screening on the back by the parking area. She stated that it would be extending the screening similar to the previous request. Commission Member Haeckler asked

about the lighting. Ms. Gibbon stated that the proposed lighting would be reviewed by the Building Inspections Department to verify that they meet the City's requirements prior to issuing a permit. Commission Member Doak asked how much space would be taken up along US Highway 785 (Central Expressway). Ms. Gibbon stated that it is approximately 250 feet. Vice-Chairman Mantzey stated that "C3" – Regional Commercial District was on the corner and valuable property. He stated that this would be taking a back piece of a commercial property that was not very viable and placing a more viable piece of development on the property, which would increase taxes. Mr. Matt Moore, Claymoore Engineering, Inc., 301 S. Coleman, Prosper, TX, explained the proposed specific use permit (SUP) request. He stated that the proposed expansion would allow them to have their entire operation on one site. Mr. Moore stated that they tried to limit the impact to the commercial zoned property at the hard corner. He requested approval of the proposed specific use permit (SUP) request and offered to answer questions. Commission Member Haeckler asked if the existing metal building would remain on the site. Mr. Moore stated that Dr. Wysong would be leasing that portion of the property until he passes to be able to continue using it for various civic organization activities. Chairman Cox opened the public hearing and called for comments. Mr. Floyd Rogers, 105 Poppy Lane, McKinney, TX, stated that he lived directly behind the proposed expansion. He expressed concerns about the amount of additional concrete on the site being proposed which could cause erosion, increase the floodplain area, cause flooding issues along Jean Creek, and decrease property values of surrounding properties. Mr. Rogers stated that due to runoff that he would like to see concrete or stone walls added to the creek to address the erosion issues. On a motion by Commission Member Haeckler, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the

public hearing, with a vote of 7-0-0. Commission Member Haeckler asked about the floodplain and if it had been studied in conjunction with the proposed development. Mr. Moore stated that they had a floodplain study for Jeans Creek. He stated that Federal Emergency Management Agency (FEMA) has regulations with restrictions on increasing floodplain and affecting downstream properties when developing property in a floodplain. He stated that the drainage studies have shown that the proposed development will not negatively impact anybody downstream. Mr. Moore stated that the City of McKinney has erosion hazard setbacks to address erosion issues, which will be dedicated during the platting phase. Commission Member Haeckler asked if they would be doing any erosion improvements outside the pavement area. Mr. Moore stated that with Dr. Wysong's property some of the grading area had been limited upstream of the creek area. He stated that they were not getting into any grading exercises inside of Jeans Creek. Commission Member Haeckler asked if the floodplain study would be updated with the proposed development. Mr. Moore stated that they would be completing a letter of map revision with the Federal Emergency Management Agency (FEMA) after the construction of the improvements to modify the floodplain map to reflect this project. Commission Member Haeckler asked how Dr. Wysong's building would be accessed. Mr. Moore stated that they designed a small roadway off Rockhill Road to access the building. He stated that there was a significant retaining wall along the west side of the property. Chairman Cox asked Ms. Gibbon to be the point of contact for Mr. Rogers to get his questions answered. Ms. Gibbon stated that she shared the engineer's contact information that is working on this site and offered to help Mr. Rogers with any concerns or questions he had regarding the proposed development. On a motion by Commission Member Haeckler, seconded by Commission Member Taylor, the Commission unanimously voted to recommend approval of

the proposed specific use permit 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 February 2, 2021.

20-0011M Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-134 (Performance Standards - Noise) of the Code of Ordinances. Mr. Mark Doty, Assistant Director of Planning for the City of McKinney, explained the proposed ordinance amendments. He stated that Staff was recommending the removal of an exemption from the performance standards for "a musical performance". Mr. Doty explained that when the noise provisions of the City's performance standards were amended in August 2019, additional exemptions were added to address uses and events that have become more prevalent within the community. He stated that after applying these new regulations for the last year or so, Staff found that the exemptions from Section 146-134(a) of the Zoning Ordinance granted for "a musical performance" essentially exempts said musical performances from all noise regulations contained within the City's Code of Ordinances. Mr. Doty stated that the City currently addresses noise issues in two sections of the Code of Ordinances: Chapter 70, Article V (Noise) and Section 146-134 (Performance Standards). He stated that Chapter 70 generally addresses noise for specific uses and Section 146-134 addresses allowable decibel ranges for various noises. Mr. Doty stated that Section 70-121 offers exemptions from all the noise regulations contained within Chapter 70 and one of these exemptions is "any activity, noise or sound exempted under Section 146-134." He stated Section 146-134 offers an exemption for "a musical performance" and thereby exempts "a musical performance" from all the City's noise regulations. Mr. Doty stated that this is an unintended consequence of the ordinance amendment which

was approved in August 2019. He stated that this exemption is particularly problematic as Chapter 70 contains a number of regulations addressing musical instruments, amplifiers, and similar devices throughout the City including and especially in Downtown McKinney. Mr. Doty stated that the current status of the City's regulations essentially prohibits Staff from enforcing these regulations until the proposed amendment is approved. He stated that Staff recommends approval of the proposed amendments to Section 146-134(1)(e)(6) to remove the exemption for "a musical performance" and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for public comments. There being none, on a motion by Commission Member Haeckler, seconded by Commission Member Doak, the Commission unanimously voted to recommend approval of the proposed ordinance amendments 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 19, 2021.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

On a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to adjourn the meeting, with a vote of 7-0-0. There being no further business, Chairman Cox declared the meeting adjourned at 8:14 p.m.

BILL COX
Chairman