

## PLANNING AND ZONING COMMISSION

JANUARY 10, 2017

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, January 10, 2017 at 6:00 p.m.

City Council Present: Chuck Branch

Commission Members Present: Chairman Bill Cox, Vice-Chairman Eric Zepp, Janet Cobbel, Deanna Kuykendall, Cam McCall, Brian Mantzey, and Pamela Smith

Commission Member Absent: Mark McReynolds – Alternate

Staff Present: Director of Planning Brian Lockley, Planning Managers Matt Robinson and Jennifer Arnold, Planners Danielle Quintanilla and Melissa Spriegel, and Administrative Assistant Terri Ramey

There were approximately 40 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 Commission Member Mantzey, seconded by Vice-Chairman Zepp, to approve the following three Consent items, with a vote of 7-0-0.

**17-026 Minutes of the Planning and Zoning Commission Work Session of December 13, 2016**

**17-027 Minutes of the Planning and Zoning Commission Regular Meeting of December 13, 2016**

**16-327PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 and 2, Block A and Lot 1, Block B, of McKinney I.S.D. Stadium, Located on the Southeast Corner of Hardin Boulevard and McKinney Ranch Parkway**

### END OF CONSENT

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

**16-335Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "C3" - Regional**

**Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Northeast Corner of Stacy Road and State Highway 121 (Sam Rayburn Tollway) (REQUEST TO BE TABLED)**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. She stated that Staff would re-notice prior to an upcoming Planning and Zoning Commission meeting.

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

**14-297Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District, "PD" - Planned Development District, and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District, "SO" - Suburban Office District and "CC" - Corridor Commercial Overlay District, Located on the Southeast Corner of Meadow Ranch Road and U.S. Highway 380 (University Drive) (REQUEST TO BE TABLED)**

Ms. Danielle Quintanilla, Planner I 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 due to a noticing error. She stated that Staff would re-notice prior to an upcoming Planning and Zoning Commission meeting. Ms. Quintanilla offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments.

Mr. Stephen Martinez, 1920 Meadow Ranch, McKinney, TX, stated that he represented the Meadow Ranch Estates Neighborhood Association and that they had filed a written protest today. He stated that they plan to attend the January 24, 2017 Planning and Zoning Commission meeting regarding this request.

On a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and table the proposed rezoning request to the January 24, 2017 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

**16-332SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Club (The Celt)**

**Irish Pub), Located at 100 North Tennessee Street  
(REQUEST TO BE TABLED)**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item tabled to the January 24, 2017 Planning and Zoning Commission meeting due to public notification signs not being posted on the subject property within the timeframe required by the Zoning Ordinance.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Commission Member McCall, the Commission voted unanimously to continue the public hearing and table the specific use permit request to the January 24, 2017 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

**16-024SP3 Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for Automotive Sales, Repair and Car Wash (EchoPark McKinney), Located Approximately 430 Feet South of Bray Central Drive and on the West Side of Central Circle. (REQUEST TO BE TABLED)**

Ms. Danielle Quintanilla, Planner I 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 due to a noticing error. She stated that Staff would re-notice prior to an upcoming Planning and Zoning Commission meeting.

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 table the proposed site plan request to the January 24, 2017 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

**16-365Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard (REQUEST TO BE TABLED)**

Mr. Brian Lockley, Planning Director for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item tabled to the January 24,

2017 Planning and Zoning Commission meeting due to public notification signs not being posted on the subject property within the timeframe required by the Zoning Ordinance.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded by Vice-Chairman Zepp, 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 recommended by Staff, with a vote of 7-0-0.

**16-313MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 22 and 23, Block E, of Creekside @ Craig Ranch, Phase 2, Located on the Southwest Corner of Tutbury Place and Longdon Drive**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed minor replat. She stated that the proposed minor replat, generally for single-family residential uses, had met all of the requirements of the Subdivision Ordinance. Ms. Spriegel stated that Staff was recommending approval of the proposed minor replat and offered to answer questions. There were none.

The applicant did not make a presentation.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Vice-Chairman Zepp, the Commission voted unanimously to close the public hearing and approve the proposed minor 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 minor replat.

**16-354MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 1R and 2, Block A, of the Bush Addition, Located Approximately 150 Feet West of Graves Street on the North Side of Hunt Street and East of Finch Avenue**

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

The applicant did not make a presentation.

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 voted unanimously to close the public hearing and approve the proposed minor 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 minor replat.

**16-068PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 1-6, Block A, of the Hamilton-Jefferson Addition, Located on the Northeast Corner of Jefferson Street and Hamilton Street**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed preliminary-final replat. She stated that the proposed preliminary-final replat, generally for single-family residential uses, had met all of the requirements of the Subdivision Ordinance. Ms. Spriegel stated that Staff recommends approval of the proposed preliminary-final replat and offered to answer questions. There were none.

Mr. Bryant Knepp, North Collin County Habitat for Humanity, 2060 Couch Dr., McKinney, TX, explained the proposed preliminary-final replat. He stated that they had families already interested in purchasing homes here. Mr. Knepp offered to answer questions.

Chairman Cox asked if Mr. Knepp was in agreement with the conditions listed in the Staff report. Mr. Knepp said yes.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Commission Member Smith, the Commission voted unanimously to close the public hearing and 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.

**16-292MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 2R, 3R, 4R1, and 5, Block A, of Eldorado Custer Addition, Located on the Southeast Corner of Eldorado Parkway and Custer Road**

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

Mr. Dwayne Zinn, Cross Engineering, 131 S. Tennessee St., McKinney, TX, 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 Vice-Chairman Zepp, the Commission voted unanimously to close the public hearing and approve the proposed minor 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 minor replat.

**16-341Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "SF5" - Single Family Residence District to "TH" - Townhome Residential District, Located Approximately 3,200 Feet South of U.S. Hwy 380 (University Drive) and on the East Side of Lake Forest Drive**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that Staff received two letters of opposition and one informational letter. Ms. Spriegel stated that the applicant was requesting to rezone from "SF5" – Single Family (detached) Residence District to "TH" – Townhome District, generally to allow for single-family attached residential uses. She stated that the site had previously been seen and rezoned to "SF5" – Single Family Residence District. Ms. Spriegel stated that at that time Staff expressed concerns regarding the ability to develop the property due to the extensive flood plain and potential removal of quality trees on the site. She stated that ultimately the property could not be developed for "SF5" – Single Family Residence District. Ms. Spriegel stated that Staff had no objection to the townhome use itself on the property given the properties mid-block location and nearby similar residential uses; however, Staff had concerns regarding the ability to develop the property given the extensive flood plain and potential removal of quality trees. She stated that Staff has asked the applicant to submit an updated flood study and tree preservation plan to ensure that the property can be developed. Ms. Spriegel stated that the applicant has chosen to go forward with the rezoning request prior to the submittal of these documents. She stated that it was unknown at this time if the property can be developed. Ms. Spriegel stated that Staff is recommending denial of the proposed rezoning request and offered to answer questions.

Commission Member Smith asked Staff to explain why the property could not be developed under the "SF5" – Single Family Residence District. Ms. Spriegel stated that based on the plat, tree preservation plan, and tree survey that were submitted, they found that due to the number of quality trees in the flood plain that would need to be removed development was not feasible.

Commission Member Cobbel asked if that was based on budgeting items due to the number of trees that would have needed to be removed. Mr. Brian Lockley, Planning Director for the City of McKinney, suggested that the applicant would be better at answering that question.

Ms. Spriegel stated that the Tree Preservation section of the Zoning Ordinance has a requirement that no more than 30% of quality trees in a flood plain could be removed and any additional trees beyond the 30% would require a variance. She stated that trees removed in general require mitigation.

Mr. Adam Buczek, Skorburg Company, 8214 Westchester Drive, Dallas, TX, explained the proposed rezoning request. He gave a brief history of the previous proposed development under the "SF5" – Single Family Residence District and the tree variance request that was denied. Mr. Buczek stated that it was not a budgeting issue as to why they were not able to develop under the "SF5" – Single Family Residence District. He stated that they could not develop the property within the existing tree ordinance and were not granted a variance to remove additional trees on the site. Mr. Buczek stated that they were confident that the subject property could be developed as townhome uses without needing to request a variance. He gave a PowerPoint presentation. Mr. Buczek discussed some of their previous developments in McKinney. He discussed some of the surrounding development around the subject property. Mr. Buczek stated that roughly 8 – 9 acres of the 27 acres of land would be disturbed under the proposed request. He stated that the approximately 42 townhomes would be even further away from the nearby subdivision than the previously proposed single-family development. Mr. Buczek stated that they were requesting straight zoning with no variances. He offered to answer questions.

Commission Member Smith stated that there was a letter discussing an issue with access to the eastern property line. She asked if Mr. Buczek could address it. Mr. Buczek

stated that the property to the east rezoned to "SF5" – Single Family Residence District as well. He stated that they were more than willing to provide any right-of-way dedication as needed for them to develop their property.

Commission Member Mantzey asked if they plan to lift part of the property out of the flood zone. Mr. Buczek stated that it would be a smaller portion of land, that there would still be reclamation, and that they would need to submit an updated flood plain study and tree preservation plan. He stated that they did not want to pay for the study twice, if the proposed rezoning request was not approved. Mr. Buczek stated that it would be a much smaller disturbance area than they previous request.

Commission Member Mantzey asked if the fill would be from the site itself. Mr. Buczek stated that was the intent; however, he might have to get some clean fill offsite due to the tree requirements.

Commission Member Smith wanted to clarify that Mr. Buczek stated that they would not be coming back to request a variance to the Tree Preservation ordinance. Mr. Buczek stated that they would not be asking for a variance on the Tree Preservation ordinance.

Chairman Cox opened the public hearing and called for comments.

Ms. Melissa Lindelow; Shupe, Ventura, Lindelow & Olson, PLLC; 500 Main Street; Ft. Worth, TX; stated that she represented Carlisle Grace, Ltd., which was the property owner to the east. She stated that she was glad to hear Mr. Buczek state that the access issue to the east had been resolved. Ms. Lindelow stated that if this proposed rezoning request is approved that it include a similar advisory as to the one that was attached to their 2015 zoning approval, requiring that they provide access to the neighboring property to the east.

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

Commission Member Kuykendall asked if Staff was still recommending denial of the proposed rezoning request after hearing the applicant's presentation. Ms. Spiegel said yes.



Vice-Chairman Zepp stated that the southeast corner of the property had a significant amount of trees and he questioned how they could place a road due to these trees. Mr. Matt Robinson, Planning Manager for the City of McKinney, explained that if the trees were disturbed due to the other property needing access in this area when they were developing their property, then the removal of trees would count against their total percentage.

Commission Member Mantzey asked if approximately 1/3 of the subject property was being proposed to be scrubbed. Mr. Buczek stated that was correct.

Commission Member Cobbel asked if Staff had an issue with the proposed townhouse use on the property. Mr. Robinson stated that Staff did not have an issue with the use itself. He stated that Staff had concerns not knowing all of the information to make a reasonable judgement call. Mr. Robinson reminded the Commission that we have already recently gone through one rezoning request on this property, which did not work out.

Commission Member McCall stated that he had concerns regarding the flood plain area and how the proposed townhome development might affect flooding upstream or downstream. Mr. Robinson stated that during the platting process the City's Engineering Department would evaluate it. He stated that the applicant could address how they plan to develop the property and address those issues.

Commission Member Smith stated that if the applicant had submitted a tree preservation plan and flood study that showed that the property could be developed as proposed, then she would not have any objections to the request. She asked if they have to submit these studies to the City at a later time in the development process. Mr. Robinson stated that if the zoning is approved by City Council, then the applicant would need to submit the updated flood study and tree preservation plan during the platting process.

Commission Member Smith stated that she understood Staff's recommendation wanting to have all of the information and not just rezoning the property for the sake of rezoning. She stated that Harry J. Hickey with the Creekview Owners Association submitted a letter of opposition and that they represented over 200 members. Commission Member Smith stated that the surrounding residents had valid concerns, at

the previous rezoning request, about potential flooding that developing the site might create. She stated that the residents stated that they currently have flooding issues in the area. Mr. Robinson stated that Staff could follow-up with the Engineering Department to see if there had been any additional complaints or if there had been anything done to address the flooding concerns.

Commission Member Mantzey stated that there were a number of parties involved, including the Jesus Christ of Latter-Day Saints church that wants to sell the land and the neighbors wanting to protect the trees in the area. He stated that he could see why Staff wanted the tree preservation plan and updated flood plain study upfront. Commission Member Mantzey stated that he could also understand why the applicant did not want to spend the money to do that first. He stated that it was a beautiful area. Commission Member Mantzey felt that townhomes on the site would have the least impact on the area. He stated that he would not be interested in having another Tree Preservation Board meeting regarding a variance request.

Commission Member Cobbel stated that she did not see an issue with rezoning the property to "TH" – Townhome Residential District. She stated that she would like to see the owner be able to develop their property as long as they follow the City's ordinances. Commission Member Cobbel stated that she did not see an issue with townhome uses on the subject property once they have their updated flood study and tree preservation plan completed that shows they would be in compliance with the City's ordinances.

Chairman Cox ask the applicant for insight on how the property might look differently if a townhome development occurs. Mr. Buczek stated that the current proposal would be disturbing less than half of what the previous request would have disturbed. He stated that it would be tucked furthest up against the corner where it would not affect the flood plain as much. Mr. Buczek reiterated that they would not be asking for a tree variance. He stated that during the platting stage they would not submit something that did not meet the letter of the law. Mr. Buczek stated that the previous tree preservation plan and flood study were not worthless. He stated that the impact on the subject property would be even less with the proposed changes. Mr. Buczek stated that they would have to comply with all of the requirements of the City. He stated that there

was no downside in rezoning the property. He stated that when they could not get the tree variance that they offered \$100,000 in reforestation funds; however, still could not get there.

Vice-Chairman Zepp asked for clarification on what Mr. Buczek means when he says they would be disturbing the property. Mr. Buczek stated that he means they would be scraping the property and/or taking a tree out. He stated that they were talking about a total area of approximately 8 – 9 acres of the 27 acre property that would be excavated.

Vice-Chairman Zepp asked if they were willing to allow access to the property to the east. Mr. Buczek said yes. He stated that the property to the east did not have a high percentage of trees and should not have any issues complying with the City's tree preservation ordinances.

Commission Member Smith asked Staff if the barriers to a favorable recommendation were the studies and not the proposed townhome uses. Ms. Spiegel said yes.

Vice-Chairman Zepp stated that there was a general process for development and that the expenses of the studies was on the applicant. He stated that the proposed rezoning request was compatible with the area.

Commission Member McCall concurred with Vice-Chairman Zepp's comments.

Commission Member Smith stated that she would be supporting Staff's recommendation for denial.

Commission Member Kuykendall stated that she was not a fan of rezoning single-family residential property to townhomes. She stated that it sounded like Staff had worked extensively with the applicant on this request, that there was no new information presented during the meeting, and that Staff was sticking with their recommendation for denial of the proposed rezoning request. Commission Member Kuykendall stated that she would be supporting Staff's recommendation for denial.

Vice-Chairman Zepp stated that he could appreciate that point of view; however, the cost burden for the requested studies is on the applicant and was out of order of the normal application process. He stated that these types of studies were generally done after the zoning was in place.

Commission Member Kuykendall stated that we have considered this before and know what we are dealing with on this property. She stated that Staff had done a lot of work on what could and could not be done here.

Commission Member Smith stated that she did not feel that she owed anybody an explanation when following Staff's recommendations and agree with them. She stated that we all weigh the information presented, make our own decisions, and respect each other's decisions.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Cobbel, the Commission vote to recommend approval of the proposed rezoning request as requested by the applicant with the requirement that they allow access to the property to the east, with a vote of 5-2-0. Commission Members Kuykendall and Smith 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 7, 2017.

**16-333SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan Request to Allow for a Daycare (Trails of Ivy Development Center), Located at 7605 Virginia Parkway**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed specific use permit and site plan request to allow for a daycare center. She stated that the applicant had provided a site layout exhibit detailing the existing building, existing parking, and internal site circulation on the subject property. Ms. Quintanilla stated that the governing zoning requires a specific use permit to allow for a daycare on the property. She stated that the existing building was previously used as a school. Ms. Quintanilla stated that there are residential uses to the east and south of the subject property and an existing Montessori school to the west of the subject property. She stated that it was Staff's professional opinion that the daycare would remain compatible with the existing land uses and was an appropriate use for the proposed location. Ms. Quintanilla stated that Staff recommends approval of the specific use permit and site plan for the proposed daycare center. She offered to answer questions. There were none.

Ms. Sarah Whitman, 4709 Wallace St., McKinney, TX, explained the proposed specific use permit and site plan request to allow for a daycare center. She concurred

with the Staff report. Ms. Whitman stated that the existing building on the property had been used for a Good Shepherd Montessori school and an afterschool program in the past. She explained that they want to operate a general childcare facility for all ages.

Chairman Cox opened the public hearing and called for comments.

Mr. Jeff Malkiewicz, 101 Turnberry Circle, McKinney, TX, spoke in opposition to the request. He expressed concerns regarding traffic flow for egress and ingress to the school and possible traffic accidents on Virginia Parkway and South Ballantrae Drive. Mr. Malkiewicz stated that South Ballantrae Drive was very narrow, restricted by an island, and does not allow for two lanes of traffic. He expressed concerns that during peak pickup times, cars would be lined up on Virginia Parkway waiting to turn right onto Ballantrae. Mr. Malkiewicz stated that there was a blind curve there and this could cause a traffic safety issue. He gave examples of other schools where traffic backs up onto the road with people waiting to enter the school property to pick up students. Mr. Malkiewicz stated that if cars are backed up onto Ballantrae waiting to enter the subject property, then other traffic on Ballantrae would not be able to get around them due to the island. He did not feel that there was a precedent for commercial uses on Virginia Parkway from Stonebridge to Custer, besides the corners of those streets and the existing school. Mr. Malkiewicz questioned if this could open up further commercial development of this area. He questioned what other types of uses were allowed on the property, if the school closed. Mr. Malkiewicz expressed concerns regarding noise levels of the students on the playground at the subject property. He stated that they already have a noise issue from the children on the playground at the nearby Montessori school.

Chairman Cox asked Mr. Malkiewicz to clarify where his property was located in association to the subject property. He explained that his property was on the cul-de-sac adjacent to the subject property. Chairman Cox asked how long he had owned the property. Mr. Malkiewicz stated four years.

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

Commission Member Cobbel asked if the proposed use was a school or a daycare. Commission Member Mantzey asked if there was a set time for drop-off and pickup of the children. Ms. Whitman stated that it would be a daycare. She stated that there would not

be a specific time set for dropping off and picking up children. Ms. Whitman stated that there would be set hours of operation at the daycare. She stated that she did not expect there to be a line of vehicles onto the street. Ms. Whitman stated that the property was already zoned for commercial use.

Ms. Quintanilla stated that this was an existing site and would stay in the same configuration. She stated that the site had already been reviewed by the City's Engineering and Fire Departments to verify access and visibility requirements. She explained that a specific use permit was required under the existing zoning.

Vice-Chairman Zepp wanted to clarify that the zoning on the property did not allow general commercial uses. Ms. Quintanilla stated that this property was zoned for office uses and gave some examples of possible allowable uses.

Commission Member Kuykendall asked Ms. Whitman if there were common times when children would be dropped off and picked up from the daycare. Ms. Whitman stated that peak hours would be between 7:00 – 9:00 a.m. and 4:00 – 6:00 p.m. She felt it was a wide enough spread that it would not disrupt traffic flow. Ms. Whitman stated that there was available parking on the east and west sides of the property. She stated that the maximum occupancy would be 75 children.

On a motion by Commission Member Mantzey, seconded by Commission Member Cobbel, the Commission voted unanimously to recommend approval of the specific use permit and site plan 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 17, 2017.

**16-349Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "SO" - Suburban Office District, Located at 1202 West University Drive**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant requested to rezone from "RS-60" – Single Family Residence District to "SO" – Suburban Office District, generally to allow for office uses. Ms. Spriegel stated that the applicant requested to rezone to "SO" – Suburban Office District to allow for the current residence on the subject property to be converted into an office. She stated that it was Staff's opinion that the rezoning request was

compatible with the existing and surrounding uses due to the existing frontage on U.S. Highway 380 (University Drive) and adjacency to similar office and commercial uses to the south and east. Ms. Spriegel stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Jonathan Hake, Cross Engineering, 131 S. Tennessee Street, McKinney, TX, concurred with the Staff report. He stated that the property owner would like to remodel the existing residential structure on the subject property to a professional office. Mr. Hake 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 Cobbel, seconded by Commission Member Smith, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 7, 2017.

**16-373Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, Located on the Northeast Corner of Virginia Parkway and Carlisle Road**

Ms. Danielle Quintanilla, 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 to "C1" – Neighborhood Commercial District, generally to allow for commercial uses. Ms. Quintanilla stated that the governing zoning on the subject property requires the site to develop as "C" – Planned Center District, which generally allows for commercial uses. She stated that there were some special provisions within the governing zoning. Ms. Quintanilla stated that there were some excluded permitted uses, such as gasoline service station, specifically food store, and car wash. She stated that there was a second provision that required a specific use permit be granted to allow for clinic, doctor, and dentist office. Ms. Quintanilla stated that a third provision required that the site develop as one site plan in relation to the arrangement of the buildings. She stated that the applicant's intent was to develop in a neighborhood commercial manner with single buildings that were not necessarily in relationship to one another. Ms. Quintanilla stated that was different from what the

existing zoning requires. She stated that the proposed zoning district allows for less intensive uses than what is currently provided in the zoning district. Ms. Quintanilla discussed the adjacent land uses. She pointed out that there were churches located to the north and west, multi-family residential uses to the east, and a church and small offices located to the south of the subject property. Ms. Quintanilla stated that it was Staff's professional opinion that the proposed commercial uses would remain compatible with the adjacent land uses and was an appropriate location for the proposed rezoning request. She stated that Staff recommended approval of the proposed rezoning request and offered to answer questions.

Commission Member Cobbel asked for clarification on the possible uses that would be allowed under the proposed rezoning request. Ms. Quintanilla stated that the current zoning on the property allowed for a multitude of uses. She stated that the proposed "C1" – Neighborhood Commercial District which would allow for less intense commercial uses. Ms. Quintanilla stated that the existing ordinance allows for a daycare, indoor theater, hotel, et cetera by right; however, the "C1" – Neighborhood Commercial District did not allow it or would require a specific use permit.

Commission Member Cobbel asked if there were two nearby schools. Ms. Quintanilla confirmed that they were located nearby.

Mr. Randy Hullett; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; concurred with the Staff report and stated that Staff did an excellent job explaining the request. He explained the proposed rezoning request. Mr. Hullett stated that the requested rezoning is based on the fact that the current "PD" – Planned Development District requires the entire property to develop as a single retail unit with a single site plan, similar to a shopping center development. He stated that the uses along Virginia Parkway in this area consists primarily of office uses and neighbor services, as opposed to retail establishments. Mr. Hullett stated that the nearby uses were generally small lot, row, or single building structures. He stated these would not be permitted under the current zoning on this property. Mr. Hullett stated that the location of the subject property was not conducive to a unified retail center, especially given the capacity and location of the adjacent roadways. He stated that one of these roadways feeds into Slaughter Elementary School, which was located just north of the subject property. Mr.



Hullett stated that the proposed rezoning request would generally allow for less intensive uses than what was currently allowed under the existing zoning. He requested a favorable recommendation and offered to answer questions. There were none.

Chairman Cox opened to public hearing and called for comments.

Ms. Jane Tang, Virginia Oak Venture, LLC, 2520 Virginia Parkway, McKinney, TX, spoke in opposition to the rezoning request. She stated that the current zoning has restrictions on the hours of operation that she felt was in consideration for the nearby churches. Ms. Tang stated that she spoke with the pastor and some of the leaders of the Our Savior Lutheran Church about the request. She stated that they were not aware of this agenda item. Ms. Tang asked that the proposed rezoning request be tabled to allow them more time to research into the proposed rezoning request. She expressed concerns about a possible shopping center that could have tenants selling items that might be inappropriate near churches and schools.

Chairman Cox wanted to clarify who Ms. Tang represented. Ms. Tang stated that she represented the Virginia Oak Apartments.

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

Commission Member Cobbel asked if the adjacent property owners would have received notices about the proposed rezoning request. Ms. Quintanilla said yes and that she had a list of the property owners that were sent public notices by mail.

Commission Member Cobbel asked if zoning signs were posted on the subject property. Ms. Quintanilla said yes and that the signs were posted in a timely manner.

Commission Member Mantzey had questions regarding the proposed "C1" – Neighborhood Commercial District. Ms. Quintanilla stated that there was a provision in the existing ordinance for any restaurant with a private club restricting them to opening at noon on Sundays. She stated that under the proposed "C1" – Neighborhood Commercial District if someone wanted to open a restaurant with a private club on the property, then they would be required to obtain a specific use permit.

Commission Member Cobbel wanted to clarify that the proposed "C1" – Neighborhood Commercial District was more restrictive than what is currently allowed on

the property under the current zoning. Ms. Quintanilla said yes. She stated that the current "C" – Planned Center District on the subject property generally allowed commercial uses. Ms. Quintanilla stated that the proposed rezoning request would take away a lot of the current uses allowed by right on the property.

Commission Member Smith stated that the "C1" – Neighborhood Commercial District seemed to be designed to be more neighborhood friendly and blended in with the surrounding uses. Ms. Quintanilla stated that was correct. She stated that it was a less intense commercial district.

Commission Member Smith asked about the uses in the "C1" – Neighborhood Commercial District that would require a specific use permit. Chairman Cox and Ms. Quintanilla stated that it was a long list. Ms. Quintanilla stated that there was a lot of uses allowed by right under the existing zoning and not as many specific use permits required, with the exception of a clinic, doctor, and dentist offices.

Vice-Chairman Zepp stated that the Texas Alcoholic Beverage Commission (TABC) has a requirement that any type of establishment serving alcohol cannot be located within a certain distance from a school or church. Ms. Quintanilla stated that was correct. She stated that they would not be allowed within 300' of a school or church. Ms. Quintanilla pointed out that the subject property was bound by adjacent schools and churches.

On a motion by Commission Member Cobbel, seconded by Commission Member McCall, the Commission voted unanimously to recommend approval of the proposed rezoning request as conditioned in the Staff report, 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 7, 2017.

**16-370SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Club (Hank's Texas Grill), Located at 1310 North Central Expressway**

Mr. Brian Lockley, Planning Director for the City of McKinney, explained the proposed specific use permit request. He stated that the applicant currently has a mixed beverage permit; however, would like to receive a specific use permit for a private club to allow for a larger percentage of alcohol sales to meet market demands to remain competitive. Mr. Lockley stated that the applicant had also submitted a proposed site

plan for the subject property showing that they meet the minimum of 50 dining seats and minimum of 600 square feet of dining area requirements. He stated that the proposed floor plan shows approximate 250 seats and approximate 5,800 square feet of dining area in the restaurant. Mr. Lockley stated that this was the first step in the process to getting the necessary alcohol permits from the City of McKinney and the Texas Alcoholic Beverage Commission (TABC) to facilitate this use. He stated that Staff recommends approval of the specific use permit and site plan for the proposed daycare center. He offered to answer questions. There were none.

Mr. Ron Reynolds, Hank's Texas Grill, 1310 N. Central Expressway, McKinney, TX, explained the proposed specific use permit request. He stated that they had been in business for approximately 15 years at this location. Mr. Reynolds stated that the quality of entertainment provided had also increased, which attracted more patrons. He stated that they are requesting the specific use permit to stay within the required percentage of sales receipts from the sale of alcohol. Mr. Reynolds 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 Zepp, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and recommend approval of the specific use permit 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 7, 2017.

**16-358M Consider/Discuss/Comment on an Amendment to the Capital Improvements Plan for Utility Impact Fees and the Imposition of Updated Utility Impact Fees**

Ms. Jennifer Arnold, Planning Manager for the City of McKinney, explained the proposed amendments to the Capital Improvements Plan for utility impact fees and the imposition of updated utility impact fees. She stated this request was to provide comments that would be forwarded on to the City Council meeting on February 7, 2017. Ms. Arnold stated that the Planning and Zoning Commission serves as the Capital Improvements Advisory Committee (CIAC), which oversees the Utility Impact Fee ordinance. She stated that there had recently been a change in City practice, which

caused the need to update our Impact Fee ordinance to reflect the change. Ms. Arnold stated that the two major changes seen is that the City no longer issues 1 ½" water meters and the City stopped issuing compound and turbine meters. She stated that utility impact fees are assessed and charged based on meter size and meter type. Ms. Arnold stated that with these changes in City practices we need to update the ordinance. She stated that the proposed changes would have an impact on the fees that are charged. She stated that one of the attachments in the Impact Fee ordinance was a Capital Improvement Plan (CIP) Report. Ms. Arnold discussed the differences between the 2013 Capital Improvements Plan (CIP) Report compared to the 2017 Capital Improvements Plan (CIP) Report. She discussed the necessary changes to the fee structure showing the previous and proposed meter size, meter type, and combined utility impact fee charged. Ms. Arnold stated that the simple meter in ¾" and 1" meter sizes were the most common type of meter sizes that the City issues and the impact fee charged for these would go down. She stated that, based upon City Council's action, Staff will update the Impact Fee ordinance accordingly. She offered to answer questions.

Chairman Cox left the meeting. Vice-Chairman Zepp continued the meeting.

Commission Member Cobbel asked about the meter sizes and how that affects the flow. Ms. Arnold stated that the new meter changes should help the efficiencies of tracking the flows better.

Commission Member Smith stated that she appreciated all of the work that had gone into the proposed amendments. She was glad to see the City was in compliance, given that it was heavily regulated. Commission Member Smith stated that she did not think that you could go too far in finding ways to be more efficient, especially with the water flow in our system. She stated that she would absolutely support the recommendations of Staff.

Ms. Arnold stated that the process for determining the fee is quite technical and handled by an outside engineering firm that specializes in this type of work. She stated that next year the city would likely be going through a major update of the Impact Fee ordinance.

Vice-Chairman Zepp stated that when you decrease the meter billing schedules that it simplifies it for everyone.

On a motion by Commission Member Cobbel, seconded by Commission Member McCall, the Commission voted unanimously to forward the comments regarding the amendment to the Capital Improvements Plan for utility impact fees and the imposition of updated utility impact fees on to City Council.

Vice-Chairman Zepp stated that the comments of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 7, 2017.

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

There being no further business, Vice-Chairman Zepp declared the meeting adjourned at 7:38 p.m.

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ERIC ZEPP  
Vice-Chairman