

## PLANNING AND ZONING COMMISSION

OCTOBER 22, 2019

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, October 22, 2019 at 6:00 p.m.

City Council Present: Mayor George C. Fuller

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, Cam McCall, Bry Taylor, and Scott Woodruff – Alternate (not voting)

Staff Present: Director of Planning Jennifer Arnold; Assistant Director of Planning Mark Doty; Planning Manager Aaron Bloxham; Housing and Community Development Manager Janay Tieken; Affordable Housing Administrator Cristel Todd; Planners David Soto, Kaitlin Gibbon, Derrick Rhys Wilson, and Joseph Moss; 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 for items not on the agenda and non-public hearing agenda items. There were no public comments.

Chairman Cox continued the meeting with the Consent Item. He announced that item # 19-0895 would be brought down from the Consent Agenda to be considered separately, due to a minor revision on the last page of the minutes.

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

**19-0177CVP** Consider/Discuss/Act on a Conveyance Plat for Lot 16, Block A, of Weston Ridge Phase 2, Located in the ETJ of McKinney on the North Side of Weston Road (FM 543) and on the East Side of Steiger Trail.

**19-0179PF** Consider/Discuss/Act on a Preliminary-Final Plat for Erwin Farms Phase 4, Located in the ETJ of McKinney Approximately 1,900 Feet West of

County Road 943 and on the South Side of County Road 164 (Future Bloomdale Road).

END OF CONSENT

**19-0895** Minutes of the Planning and Zoning Commission Regular Meeting of October 8, 2019. Chairman Cox stated that the minutes had a minor revision on the last page with some additional text added in the Staff Comments section. On a motion by Commission Member Haeckler, seconded by Commission Member Doak, the Commission unanimously voted to approve the revised minutes as recommended by Staff, with a vote of 7-0-0.

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

**19-0123MRP** Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 1 and 2, Block A, of the Edwards Estates Addition, Located at the Southwest Corner of Cole Street and Barnes Street (REQUEST TO BE TABLED). Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, stated that Staff requests that the public hearing be closed and the item tabled indefinitely per the applicant's request. He stated that Staff will renotice prior to an upcoming hearing. Mr. Wilson 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 McCall, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public hearing and table the item indefinitely per the applicant's request, with a vote of 7-0-0.

**19-0067Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "SF-5" - Single Family Residence District and "TH"- Townhome District to "PD"- Planned Development District, Generally to Modify the Development Standards, Located on the East Side of Lake Forest Drive and Approximately 900 Feet South of McKinney Ranch Parkway (REQUEST TO BE TABLED). Mr. Joe Moss,

Planner I for the City of McKinney, stated that Staff requests that the public hearing be continued and the item tabled to the November 12, 2019 Planning and Zoning Commission meeting due to notification signs not being posted on the subject property in the timeframe required by the Zoning Ordinance. 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 Commission Member Haeckler, the Commission unanimously voted to continue the public hearing and table the item to the November 12, 2019 Planning and Zoning Commission meeting per Staff's recommendation, with a vote of 7-0-0.

**19-0072Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Commercial, Office, and Multi-family Uses, Located on the East Side of Custer Road and 545 Feet South of Stonebridge Drive (REQUEST TO BE TABLED). Mr. David Soto, Planner I for the City of McKinney, stated that Staff requests that the public hearing be closed and the item tabled indefinitely per the applicant's request. He stated that Staff will renote prior to an upcoming hearing. Mr. Soto offered to answer questions. Chairman Cox asked why the request was being tabled. Mr. Soto stated that the applicant needed additional time to meet with the nearby residents. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Haeckler, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and table the item indefinitely per the applicant's request, with a vote of 7-0-0.

**19-0044SP** Conduct a Public Hearing to Consider/Discuss/Act on a Design Exception for a Site Plan for Commercial Uses (Photography Studio),

Located at the Southeast Corner of Anthony Street and Johnson Street. Ms. Kaitlin Gibbon, Planner I for the City of McKinney, explained the proposed site plan. She stated that the applicant is proposing to construct a photography studio. Ms. Gibbon stated that both site and façade plans within the “MTC” – McKinney Town Center Zoning District can be approved administratively by Staff; however, the applicant has requested a design exception to utilize a higher pitched roof than allowed within the district. She stated that within the Downtown Edge Character District of the “MTC” – McKinney Town Center Zoning District, commercial and mixed-use buildings shall have flat or low pitched roofs with parapets. She stated that the character of this building is similar and compliments the surrounding residential buildings. Ms. Gibbon stated that Staff’s perspective, the use of this roof type transitions the look of the building from the multi-family residential development located to the north and the single family homes located to the east, south, and west. She stated that Staff is in support of the requested design exception and offered to answer questions. Commission Member Haeckler asked if the change in roof pitch would increase the height of the building. He also asked if it would be similar to surround buildings. Ms. Gibbon said yes, the proposed roof would be similar to surrounding buildings. Mr. Casey Gregory, Sanchez and Associates, 2000 N. McDonald Street, McKinney, TX, concurred with the Staff Report. He stated that the proposed photography studio would be a good use for the area and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and approve the proposed site plan per Staff’s recommendation, with a vote of 7-0-0.

**19-0001SUP** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for a Utility Substation, Located Approximately 850 Feet West of the Terminus of Laud Howell Parkway and Approximately 6,260 Feet South of FM 543. Ms. Kaitlin Gibbon, Planner I for the City of McKinney, explained the proposed specific use permit request for a utility substation. She stated that the property has “C1” – Neighborhood Commercial District zoning that requires a specific use permit be granted in order for a utility substation to be operated on the subject property. Ms. Gibbon stated that Staff has evaluated the request and feels that the site is appropriate for the proposed use. She stated that there would be room for future development along the future Laud Howell Parkway street frontage. Ms. Gibbon stated that the adjacent surrounding properties are undeveloped at this time. She stated that the proposed substation would connect to existing overhead powerlines that run across the property. Ms. Gibbon stated that Staff understands the need for certain public and private infrastructure to support growth and development. She stated that Staff recommends approval of the proposed specific use permit and offered to answer questions. Commission Member Haeckler asked about the screening requirements for this type of building. He also asked for the overall height of the facility. Ms. Gibbon stated that the applicant labeled the different heights for the various equipment. She stated that the highest pole reaching to the power lines would be approximately 90’. Ms. Gibbon stated that it would need to be screened from the right-of-way. She stated that the applicant is proposing a masonry screening wall along future Laud Howell Parkway. Ms. Gibbon stated that there is currently a large wooded floodplain area adjacent to the western property line. Commission Member Haeckler asked for clarification on the materials of the proposed masonry screening wall. Ms. Gibbon stated that it would be precast with masonry brick columns. Mr. Brian Satagaj, Halff Associates, Inc., 3803

Parkwood Boulevard, Suite # 800, Frisco, TX, concurred with the Staff Report. He stated that the intent of the screening wall would be to use precast with an integrated form line facade, then painted. Mr. Satagaj 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 Doak, 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 November 19, 2019.

**19-0090Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "LI" - Light Industrial District, Located Approximately 160 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street). Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant requested to rezone the subject property from "AG" – Agricultural District to "LI" – Light Industrial District, generally for industrial uses. Mr. Wilson stated that with the abundance of warehouse and industrial uses in the surrounding area, the proposed rezoning fits well with the current development pattern. He stated that the request also aligns with the Comprehensive Plan. Mr. Wilsons stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none. Mr. Ryan Spears, Goodwin and Marshall, Inc., 2405 Mustang Drive, Grapevine, TX, concurred with the Staff Report, stated that this request for a continuation of the 65 acres to the south that was rezoned around this time last year, and 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 Commission Member

Kuykendall, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 19, 2019.

**19-0087Z** 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 Multi-Family Residential Uses, Located Approximately 650 Feet South of Craig Drive and on the West Side of Collin McKinney Parkway. Ms. Kaitlin Gibbon, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 12 acres of land to multi-family residential uses and modify the development standards. Ms. Gibbon explained that the applicant proposed to modify the height, setbacks, parking requirements, and increase the landscaping and buffering for the site. Ms. Gibbon stated that Staff was of the opinion that the proposed standards will blend well with the surrounding properties and create a quality development. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Board Member Haeckler asked about the height of the three-story building compares to the property to the north and the elevation changes. Ms. Gibbon stated that the property to the north currently has three-stories, with a height of 36'. She stated that the multi-family development to the southwest was currently two-stories, with an approximate height of 26' – 27'. Ms. Gibbon stated that Staff has not started the preliminary engineering review to know more about the elevations in this area. She stated that Staff spoke with the applicant to push the proposed buildings further into the property, along Collin

McKinney Parkway, to create a larger buffer between the multi-family development and single family development. Commission Member Haeckler asked if the requested building height is 43 feet. Ms. Gibbon said yes. Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard; Suite 300; McKinney, TX; concurred with the Staff Report. He explained the proposed rezoning request and gave a presentation. Mr. Roeder gave a brief history of how City Council and the McKinney Housing and Finance Corporation sought developers with experience in tax credit financing to submit proposals to co-develop a workforce housing space. He stated that the NRP Group was selected as the developer of choice. Mr. Roeder stated that approximately 18 sites in west McKinney were evaluated by the NRP Group, City Staff, and the McKinney Housing and Finance Corporation for this workforce housing development. Mr. Roeder stated that the NRP Group and the McKinney Housing and Finance Corporation would be joint owners in the project. He stated that the NRP Group would operate the project after it was constructed for approximately 15 – 20 years. Mr. Roeder stated that the NRP Group's interest in the project would be turned over to the McKinney Housing Corporation after that point, so that the McKinney Housing and Finance Corporation would then own 100% of the project. Mr. Roeder explained some of the qualifications that the workforce residents would need to be able to live there and gave examples of the service types of the people that might qualify. Mr. Roeder stated that a concept plan was prepared to test fit the site to verify the 150' setback from an adjacent residential structure. He stated that they have not specified the screening wall height; however, the City's requirements would allow them to vary the wall height from a minimum of 6' and a maximum of 8'4". Mr. Roeder stated that the topography drops significantly. He stated that the wall height would be addressed during the site plan process. Mr. Roeder briefly discussed possible height and



sight lines. He briefly discussed the proposed landscaping and buffering. Mr. Roeder showed some of NRP Group's other developments. Commission Member Kuykendall asked if the development on this site would be similar to these other developments. Mr. Roeder said yes. Commission Member McCall asked who would govern the qualifications for the tenants during the first 15 years. Mr. Roeder stated that while his client managed the property, then they would be responsible. He stated that once the property reverted back to the McKinney Housing and Finance Corporation and City Council, it would be their responsibility. Vice-Chairman Mantzey asked when the "RFQ" - Request for Qualifications was sent out and how long had the NRP Group had been working with them. Mr. Roeder stated that this was started in September 2017, the "RFQ" - Request for Qualifications was sent out in July 2018, and The NRP Group was selected in October 2018. He stated that the City's transparency website has the history of the project listed. Commission Member Kuykendall asked why this site was specifically selected. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that her understanding was that the NRP group conducted a site suitability analysis of sorts for a variety of possible locations. Ms. Arnold stated that Planning Staff helped provide initial thoughts on a number of potential sites before the NRP Group narrowed their list down to this site. Mr. Jason Arechiga, The NRP Group, 1903 Preakness Lane, San Antonio, TX, stated that they looked at a lot of sites within the general area listed on the "RFQ" - Request for Qualifications. He stated that they worked with McKinney Housing and Finance Corporation and Planning Staff to narrow down the list to this site. Mr. Arechiga stated that this site was the clear winner after weighing about 20 different matrixes that included: City Council and McKinney Housing and Finance Corporation requests, state and federal guidelines, surrounding uses, and to provide an increased buffer to

surrounding residential properties.. Chairman Cox opened the public hearing and called for comments. Ms. Sarah Spears, 2101 Camden, McKinney, TX, spoke in opposition. She stated that her property backs up to the closest building shown on the concept plan. Ms. Spears stated that she attended a meeting held by The NRP Group to discuss the proposed development. She stated that the applicant staked off 150' from the property line and that she had taken photographs showing that currently she could see into her backyard at ground level. Ms. Spears was very concerned about the lack of privacy and desirability. She stated that she received a notice about the request on October 15, 2019. Ms. Spears stated that she went door-to-door to speak with her neighbors about the proposed development and many did not know anything about it. Ms. Spears asked the Commission to not recommend approval of the proposed rezoning request to allow more time to see how it will affect the surrounding residential property owners. 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 Kuykendall asked for examples of similar developments. Ms. Janay Tieken, Housing and Community Development Manager for the City of McKinney, stated that the Newsome Homes development at the corner of Eldorado Parkway (Industrial Parkway) and McDonald Street (State Highway 5) was funded with tax credits. She stated that these development were of the same or higher quality of market rate developments, due to the way that they were financed. Ms. Tieken stated that the investors receive a return on their investment over a 10 year period of time. She stated the Texas Department of Housing and Community Affairs provides the underwriting and oversees these projects, makes sure that the property was properly managed, makes sure that the developer follows the requirements for selecting the residents, and would do audits. Ms. Tieken stated that after

15 years, the McKinney Housing and Finance Corporation would have the first right of refusal on the property. Commission Member Doak asked how the El Largo Apartments three-story development impacts the adjacent single family residential development, which appear to be located closer to the boundary line. Ms. Gibbon stated that the northern portion of the subject property the topography was lower between the single family residential development and the proposed multi-family development. She stated that the topography rises towards the south of the property. Ms. Gibbon stated that she did not know what the actual grade changes were at this time. Commission Member Haeckler asked what the height of the trees were on the buffer. Mr. Roeder stated that they assumed a 12' tall with a 4" caliper tree in the analysis. He stated that The NRP Group was willing to work with Ms. Spears regarding her privacy concerns. He stated that was some of the things covered during the site plan process. Vice-Chairman Mantzey stated that the proposed product was a need within McKinney and other North Texas cities. He stated that with the partnership with the McKinney Housing and Finance Corporation, vetting of the developer, proposed setback to the adjacent residential development, site analysis, existing surrounding development, and proposed landscape setback would make this a suitable product for the area. Vice-Chairman Mantzey stated that he was in favor of the proposed rezoning request. Commission Member Doak concurred with Vice-Chairman Mantzey's comments. He pointed out that there was already multi-family development surrounding the proposed property. Commission Member Doak stated that the subject property was an ideal property for the proposed use and was needed for the workers in McKinney. He stated that he was in favor of the project. Commission Member McCall concurred with Vice-Chairman Mantzey and Commission Member Doak's comments. He felt that the proposed development would be better than other developments that could be

developed on the property. Commission Member McCall expressed concerns about the view from the three-story multi-family into the adjacent single family residential properties. He stated that the project would be back before the Commission during the site plan phase. Commission Member McCall stated that he was in favor of the proposed rezoning request. Commission Member Haeckler stated that he also was in favor of the proposed rezoning request and that it would match the property to the north. He stated that this would be a good opportunity for the City. Commission Member Taylor was in favor of the proposed rezoning request. Chairman Cox stated that there was a need for the wage level employees in McKinney that we want to attract for this price point. He appreciated the developer's willingness to work with Ms. Spears regarding her privacy concerns. Chairman Cox stated that he was in favor of the proposed rezoning request. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to City Council at the November 19, 2019 meeting.

**19-0012M** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Sections 70-58 (Duty of owner, occupant to cut and remove weeds, brush, and unsightly matter), 142-5 (Approval required), 146-7 (Zoning district map), 146-40 (Nonconforming uses and nonconforming structures), 146-84 (Neighborhood Business District), 146-99 (REC regional employment center overlay district), 146-131 (Off-street loading), 146-132 (Fences, walls, and screening requirements), 146-139 (Architectural and site standards), 146-162 (Administrative official), 146-164 (Changes and amendments), and 146-165 (Board of adjustment), of the Code of Ordinances. Mr. Aaron Bloxham, Planning

Manager for the City of McKinney, explained the proposed ordinance amendments. He stated that Staff proposes several amendments to the Zoning Ordinance and other related Sections of the Code of Ordinances in order to improve the processing of common variances as well as the overall usability of the Ordinances. Mr. Bloxham stated that these changes would modify standards to allow administrative approval of common variances to screening and loading space requirements; create a process for the Board of Adjustment to set a date to bring a nonconforming use into conformity; clarify the meaning of certain provisions; and remove several typos and other minor errors in the Ordinance. He explained to the commission the proposed process improvement amendments, which include Section 146-132 (Fences, walls, and screening requirements), Section 146-131 (Off-street loading), Section 146-40 (Nonconforming uses and nonconforming structures) and Section 146-16 (Board of Adjustments), Section 146-164 (Changes and amendments), and Section 146-7 (Zoning district map). He gave a timeline for the proposed amendments. Mr. Bloxham requested a favorable recommendation to the proposed amendments and offered to answer questions. Vice-Chairman Mantzey asked for clarification on the nonconforming uses. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the ordinance has a lot of language in it relating to nonconforming; however there is currently no mechanism for the city to establish compliance date for those nonconforming uses. She stated that the proposed amendments would allow the City to establish compliance dates in certain instances through an amortization process. She stated that the amendments are modeled off surrounding cities and how they address these issues. Vice-Chairman Mantzey stated that he was happy to see some of the changes that would save Staff many hours and lower cost to developers. Chairman Cox stated that there were some great proposed

amendments. He expressed concerns regarding the proposed amortization of the non-conforming uses and a volunteer board making a recommendation or determination that could affect someone's livelihood. Chairman Cox asked Staff to go back to look at revising that section. He opened the public hearing and called for comments. Mr. Joe Joplin, 407 S. Tennessee Street, McKinney, TX, stated that he concurred with Chairman Cox's concerns regarding the proposed nonconforming uses amendments. On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey stated that Staff has done a good job in cleaning up many of the items in the ordinance. He acknowledged the concerns regarding the amortization of non-conforming uses. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to approve the proposed 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 City Council at the November 5, 2019 meeting.

#### END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

On a motion by Commission Member McCall, seconded by Commission Member Doak, 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 7:30 p.m.

---

BILL COX  
Chairman