

Planning and Zoning Commission Meeting Minutes of September 13, 2016:

16-233Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C1" - Neighborhood Commercial District to "C2" - Local Commercial District, Located Approximately 425 Feet East of Jordan Road and on the South Side of Virginia Parkway

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed rezoning request. She stated that the applicant had submitted an associated specific use permit for an automotive repair shop for the subject property was also being considered at this meeting and was the following item on the agenda. Ms. Galicia stated that the approval of the specific use permit was contingent upon the approval of this rezoning request due to the existing zoning on the subject property currently does not allow for an automotive repair shop use. Ms. Galicia stated that the applicant had submitted a development proposal with the associated specific use permit; however, Staff had concerns with the allowed uses granted in the "C2" – Local Commercial District in comparison with the current zoning on the property. She stated that if the automotive repair shop was not constructed on the property, then the "C2" – Local Commercial District would allow for other uses that may not be in conformance with the existing and future surrounding development. Ms. Galicia stated that Staff was of the professional opinion that supporting retail uses should not be discouraged; however, such uses that were permitted should be ancillary to the office identity established through the surrounding existing development. She briefly discussed the allowed uses between the two zoning districts shown on the comparison chart that was included in the Staff report. Ms. Galicia stated that Staff recommended denial of the proposed rezoning request due

to a lack of conformance with the goals and objectives of the City's Comprehensive Plan of "Land Use Compatibility and Mix". She offered to answer questions. There were none.

Mr. Don Paschal, 904 Parkwood Ct., McKinney, TX, explained the proposed rezoning request and gave a presentation. He stated that they had an excellent relationship with Staff on this project. Mr. Paschal stated that he appreciated Staff's input and that it had made a better application. He discussed the zoning request and proposed special use permit for the subject property. Mr. Paschal stated that they had owned the property for 17 years. He gave a brief history of the development of the original property. Mr. Paschal discussed the previous zoning on the property. He stated that this location did not attract much interest from the restaurant community. Mr. Paschal discussed the positive impact on the community from the Virginia Commons development. He discussed the proposed Honest-1 automotive service and why they felt good about having it at this location. Mr. Paschal stated that they tried to incorporate design issues to blend in with the surrounding businesses. He stated that the City of McKinney was planning to increase the number of traffic lanes on Virginia to make it a six lane thoroughfare. He stated that it could be the highest traffic thoroughfare running east to west in McKinney. Mr. Paschal discussed some other automotive care facilities on the west side of McKinney. He stated that there was similar development around those facilities and requested to have the same opportunity with this development. Mr. Paschal briefly discussed the perspective elevation for the Honest-1 facility. He stated that they would generate some jobs, 10 initially and up to 15 as the business grows, at this site. Mr. Paschal discussed his concerns regarding wording in the Staff report and Future Land Use Map (FLUP) that he disagreed with. He offered to answer questions.

Vice-Chairman Zepp asked Mr. Paschal about the four lots to the south that had been sold. Mr. Paschal briefly discussed who owned the surrounding properties. Vice-Chairman Zepp asked which lots were unsold in this development. Mr. Paschal stated that would be the subject property and the lot next to it.

Chairman Cox asked what direction the overhead doors would face on the property. Mr. Paschal stated that the overhead doors face to the east and west. He stated that they did not face the road to the north or to the south where other uses were located. Mr. Paschal stated that they propose to have 6' landscape screening to block the view of the overhead doors.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Mantzey, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Commission Member Mantzey asked Staff why this project was not being recommended when there were similar projects on Eldorado. Ms. Galicia stated that she could not speak to the other cases that Mr. Paschal gave as similar examples to earlier; however, she felt the subject property had a higher concentration of office uses surround it.

Commission Member Mantzey asked Staff if the previous rezoning of the property from "PD" - Planned Development District to "C1" – Neighborhood Commercial District changed any of the uses allowed on this property. Ms. Galicia stated that the "PD" - Planned Development District had allowed for some automotive related uses. She stated

that when it was rezoned to “C1” – Neighborhood Commercial District the automotive related uses were eliminated.

Commission Member Mantzey asked Staff if the rezoning was the applicant’s request or the City’s request. Ms. Galicia stated that the applicant submitted a rezoning request to the City. Mr. Paschal stated that it was due to a request by the Director of Planning at that time. Ms. Galicia stated that she could not speak to that. Mr. Brian Lockley, Director of Planning, stated that he was unaware of the timeframe as to when the previous rezoning occurred and could not speak to it either.

Vice-Chairman Zepp stated that there was a number of these types of establishments on Eldorado that back up to or are across the street from residential developments. He stated that he did not see the proposed use as incapable in this area.

Chairman Cox agreed with Vice-Chairman Zepp’s comments. He stated that these automotive type uses were changing for the better and you now see them in rooftop areas. Chairman Cox felt the applicant had done a good job laying out the site from what he saw in the Staff report.

Vice-Chairman Zepp stated that he could see why Staff recommended denial on the request; however, this was not the traditional automotive repair shop.

Chairman Cox reiterated that Mr. Paschal stated that all work should be completed the same day and there would not be any vehicles staying overnight on the outside of the property.

On a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission voted to recommend approval of the request based up on the applicant’s request, with a vote of 6-1-0. Commission Member Kuykendall voted against the motion.

Commission Member Smith stated that she understood Staff's recommendation on this request. She stated that we need to strive to raise the bar instead of lowering the bar. Commission Member Smith stated that some items could be addressed with the next request on the agenda for this property.

Commission Member Kuykendall stated that she agrees with the Staff report.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 4, 2016.