

PLANNING AND ZONING COMMISSION

AUGUST 24, 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, August 24, 2021 at 6:12 p.m.

City Council Present: Rick Franklin

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Deanna Kuykendall, Cam McCall, Bry Taylor, and Scott Woodruff – Alternate

Alternate Member Present; however, did not participate in the meeting: Charles Wattley

Commission Member Absent: Christopher Haeckler

Staff Present: Director of Planning Jennifer Arnold, Planning Manager Caitlyn Strickland, Planner IIs Alek Miller and Kaitlin Sheffield, Planners Jacob Bennett and Sofia Sierra, Arborist Adam Engelskirchen, and Administrative Assistant Terri Ramey

There were approximately 55 guests present.

Chairman Cox called the meeting to order at 6:12 p.m. after determining a quorum was present.

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

Chairman Cox called for the Consent items. 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.

21-0749 Minutes of the Planning & Zoning Commission Regular Meeting of August 10, 2021.

21-0001C Consider/Discuss/Act on a Concept Plan for Shops at Westridge, Located on the Northwest Corner of Westridge Boulevard and Independence Parkway.

END OF CONSENT AGENDA

Chairman Cox called for consideration of the plat consideration under Texas Local Government Code Chapter 212. The Commission unanimously approved the motion by Commission Member Doak, seconded by Commission Member McCall, to approve the following three plat items as recommended by Staff, with a vote of 7-0-0.

21-0112PF Consider/Discuss/Act on a Preliminary-Final Plat for TCR McKinney Pitts Addition, Located on the Southeast Corner of Community Avenue and James Pitts Drive.

21-0121CVP Consider/Discuss/Act on a Conveyance Plat for Lots 1 and 2, Block A, of the Willis Addition, Located on the Southeast Corner of Bloomdale Road and County Road 124.

21-0127PF Consider/Discuss/Act on a Preliminary-Final Plat for Millstone Phase 2B, Located on the Southwest Corner of County Road 409 and County Road 412.

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.

21-0087Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Zone the Subject Property to "PD" - Planned Development District, Generally to Allow for Industrial Uses, Located on the East Side of County Road 317 and Approximately 2,000 Feet South of Harry McKillop Boulevard (FM 546). Ms. Kaitlin Sheffield, Planner II for the City of McKinney, explained the proposed zoning request. She stated that the applicant is requesting to zone approximately 55 acres of land to "PD" – Planned Development District, with a base zoning of "LI" – Light Industrial District. Ms. Sheffield stated that the applicant was requesting additional permitted uses for the subject property that include a rock, concrete, and construction materials recycling center, a dirt and topsoil storage, and a concrete batch plant with the ancillary uses related. She stated that Staff was of the opinion that the proposed request aligns with the Employment

Mix Placetype and the Manufacturing and Warehousing Placetype designated in the Comprehensive Plan for this area. Ms. Sheffield stated that an associated voluntary annexation request would be going to the September 21, 2021 City Council meeting. She stated that Staff recommends approval of the proposed zoning request and offered to answer questions. There were none. Mr. Bob Roeder; Abernathy, Roeder, Boyd, & Hullett, P.C., 1700 Redbud Boulevard, McKinney, TX, explained the proposed zoning request and the associated voluntary annexation going before City Council in September. He offered to answer questions and requested a favorable recommendation. There were none. Chairman Cox opened the public hearing and called for comments. Mr. David Craig, Craig International, 6850 TPC Drive, McKinney, TX 75070, stated that North Texas Natural Select has been trying to find a site in McKinney since 2019. He felt the subject property was the right site for the proposed uses and the best interest of the City of McKinney. Mr. Craig stated that the North Texas Natural Select concrete recycling was smart, cost effective, and environmentally friendly. He stated that it was a way to reuse aggregate left behind when structures are demolished or heavily renovated. Mr. Craig stated that it would be an asset to the community. He thanked Staff for their efforts. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Taylor, the Commission unanimously voted to close the public hearing and recommend approval of the proposed zoning request per Staff's recommendation, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning & Zoning Commission will be forwarded to City Council for final actions at the September 21, 2021 meeting.

20-0073Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C3" - Regional Commercial District, Located on the Northwest Corner

of State Highway 121 (Sam Rayburn Tollway) and Tina Drive. Ms. Kaitlin Sheffield, Planner II for the City of McKinney, explained the proposed zoning request. She stated that the applicant is requesting to rezone approximately 45 acres from "PD" – Planned Development District with base zoning of "C" – Planned Center District to "C3" – Regional Commercial District. Ms. Sheffield stated that although the site is currently zoned for commercial uses under the existing zoning, the applicant has indicated a desire to rezone to a base zoning district of the City. She stated that given the site's location along State Highway 121 (Sam Rayburn Tollway) and the vision established for this area as part of the Comprehensive Plan, Staff is of the professional opinion that the rezoning request is appropriate and will help to develop this portion of the tollway for regional commercial uses. She stated that the associated specific use permit request (20-0006SUP3) has been withdrawn by the applicant. Ms. Sheffield stated that given these items, Staff recommends approval of the proposed rezoning request. She offered to answer questions. Vice-Chairman Mantzey wanted to clarify that the proposed zoning request in moving forward and would have a public hearing. He stated that the next specific use permit request was withdrawn by the applicant. Ms. Sheffield stated that the zoning request is still moving forward at the applicant's request. She stated that the following specific use permit request for an office and warehouse development had been withdrawn by the applicant. Vice-Chairman Mantzey asked if the public hearing would still occur on the next specific use permit request. Ms. Sheffield stated that the public hearing would still happen. She stated that the public hearing would need to be closed and the item tabled indefinitely for the specific use permit request (20-0006SUP3). Commission Member Kuykendall asked Staff to discuss what uses were allowed in "C3" – Regional Commercial District. Ms. Sheffield stated that it is very similar to "C" – Planned Center District. She stated that there

are a handful of uses that would be permitted in the “C” – Planned Center District that would require a specific use permit under “C3” – Regional Commercial District. Ms. Sheffield gave examples of auto part sales, auto truck and trailer rental, garage auto repair, service station, gas station, and car wash. She stated that there are some uses that are not permitted now that would be permitted under “C3” – Regional Commercial District. She gave examples of a wholesale bakery, wholesale establishments, pet stores, boarding, veterinarian without outdoor runs, and office with showrooms. Mr. Bob Roeder; Abernathy, Roeder, Boyd, & Hullett, P.C., 1700 Redbud Boulevard, McKinney, TX, explained the proposed zoning request. He stated that this is a straight zoning request. Mr. Roeder stated that the primary reason was to bring the zoning up to the current, modern zoning of “C3” – Regional Commercial District. He stated that you can not zone to the current district anymore. Mr. Roeder stated that under the current zoning if you decide to develop any particular parcel within the 45 acres, then you must provide a concept plan of everything that could be developed on the property. He stated that a full concept plan for the whole site was not required under “C3” – Regional Commercial District. Mr. Roeder stated that they recognize that there were some used currently allowed that are not allowed under the proposed zoning. He stated that his client has withdrawn the following specific use permit request for office and warehouse uses on the subject property. Mr. Roeder offered to answer questions and requested a favorable recommendation. There were none. Chairman Cox opened the public hearing and called for comments. The following 16 people spoke with opposition to the proposed rezoning request and the following specific use permit. They expressed concerns regarding loopholes that might allow the warehouse to be developed on the property; possibly resubmitting another specific use permit in the future for a warehouse use; decrease in property

values; increase in traffic, crime, trash, light and noise pollution, and parking; children's safety; unsure what will be developed on the property; does not add value to the residents; no meetings occurred with the Avalon property owners; zoning signs on the property being faded and hard to read due to being up for approximately one year; warehouse not being appropriate for a gateway to McKinney or compatible with the Comprehensive Plan; expected retail or medical offices on the subject property; affecting other surrounding property development if this develops industrial; and possible hours of operation.

- Mr. Aaron Haas, 4500 Brighton Drive, McKinney, TX
- Mr. Edward Harper, 4620 Whitehall Court, McKinney, TX
- Mr. Jim Kirby, 4617 Worchester Lane, McKinney, TX
- Mr. Scott Case, 4405 Wembley Court, McKinney, TX
- Mr. Tim Martinelli, 4501 Evanshire Way, McKinney, TX
- Mr. Wade Whaling, 4609 Wembley Court, McKinney, TX
- Mr. Martin Krueger, 4300 Cannock Drive, McKinney, TX
- Ms. Susie West, 4500 Evanshire Way, McKinney, TX
- Mr. Aaron Norris, 4728 Brighton Drive, McKinney, TX
- Mr. William Evans, 4400 Seville Lane, McKinney, TX
- Ms. Alyssa Terry, 4301 Holburn Drive, McKinney, TX
- Mr. Matt Spencer, 4617 Maidstone Way, McKinney, TX
- Mr. James Stephenson, 4516 Evanshire Way, McKinney, TX
- Mr. Hector Escobedo, 4517 Evanshire Way, McKinney, TX
- Mr. Dustin Aplin, 3205 Juniper Drive, McKinney, TX
- Ms. Cecilia Nguyen, 4537 Worchester Lane, McKinney, TX

Chairman Cox wanted to clarify that if the applicant wanted to submit a specific use permit at a later date that would have to go through the same process. Ms. Sheffield stated that should the zoning request for "C3" – Regional Commercial District go forward and is approved by City Council, then in order to develop warehouse uses on the property

another specific use permit request would be required. She stated that it would go through the same process with public notifications sent to properties within a 200' buffer and a public hearings will be held at the Planning & Zoning Commission and City Council meetings. Alternate Commission Member Woodruff asked if the same requirement would be required for a storage warehouse. Ms. Sheffield stated that the storage warehouse was different from a warehouse use. She stated that use would require a specific use permit in the current and proposed zonings. Vice-Chairman Mantzey stated that there are a number of uses currently allowed that would not be permitted under the proposed zoning. Ms. Sheffield stated that there are approximately 22 uses currently allowed that would require a specific use permit or not be allowed at all under the proposed zoning. Commission Member Kuykendall stated that there is some additional vetting with specific use permits that is not done with zoning requests. Ms. Sheffield stated that with specific use permits Staff evaluates the proposed uses, look at the surrounding properties, oversaturation of the use, and evaluate screen, buffering and setbacks. Commission Member Kuykendall inquired about Mr. Roeder's comment about this being a modern zoning designation. Ms. Sheffield stated that "C" – Planned Center District is an older legacy district. She stated that we can not zone back to this zoning district, since newer, modern districts have been created. Ms. Sheffield stated that some uses that were permitted in the "C" – Planned Center District now would require specific use permits to be allowed under some of the newer districts. Vice-Chairman Mantzey stated that the applicant is giving up some permitted uses under the current zoning, so they under the proposed "C3" – Regional Commercial District that the applicant could plot out a smaller tract instead of a master plan for the full property. Ms. Sheffield stated that was correct. The following three residents turned in speaker cards in opposition; however, did not wish to speak during the meeting:

- Mr. Thanh Nguyen, 4613 Evanshire Way, McKinney, TX
- Mr. Hsihui Peng, 4721 Maidstone Way, McKinney, TX
- Ms. Yun-chi Peng, 4721 Maidstone Way, McKinney, TX

On a motion by Commission Member McCall, seconded by Vice-Chairman Mantzey, the Commission unanimously approved the motion to close the public hearing, with a vote of 7-0-0. Commission Member Doak asked Staff to discuss the differences between the current zoning and the requested zoning. Ms. Sheffield stated that the current zoning is “PD” – Planned Development District, which follows the “C”- Planned Center District that is a legacy district. She stated that the zoning request is for “C3” – Regional Commercial District, which is the modern-day equivalent. Ms. Sheffield stated that a warehouse use is not permitted at all in the current zoning. She stated that a warehouse use would not be permitted under the proposed zoning without the approval of the specific use permit. Commission Member Doak asked about the surrounding zonings. Ms. Sheffield stated that most of the undeveloped surrounding properties were zoned “C” – Planned Center District. Commission Member Doak asked Staff to discuss the law requirements for the written notifications. Ms. Sheffield stated that anytime we hold a public hearing, the State Law requires that the City mail out written notification to the property owners within a 200’ buffer of the subject property. She stated that the City of McKinney actually mails out property owner notifications to property owners within a 215’ buffer of the subject property. Ms. Sheffield stated that the property owners notified is based upon the addresses listed on the tax records. Commission Member Kuykendall asked why the specific use permit request was withdrawn by the applicant. Ms. Sheffield suggested that Mr. Roeder answer why they withdrew the specific use permit (20-0006SUP3) request. She stated that the applicant can submit another specific use permit for the site and it would require the written property owner notifications and public

hearing at a Planning & Zoning Commission and City Council meetings. Commission Member Kuykendall asked if ultimately the applicant was trying to get a warehouse developed on the property. She stated that a warehouse is not permitted under the current zoning; however, could be permitted under the proposed zoning. Ms. Sheffield stated that a warehouse would not be a permitted use under the requested zoning without the approval of a specific use permit. She stated that the specific use permit is a similar process as a zoning event with notification sent and public hearings held during the meetings. Ms. Sheffield stated that Staff recommended denial of the following specific use permit request (20-0006SUP3), since they did not feel it was appropriate for the site either. She stated that the applicant could request another specific use permit for the site; however, Staff would most likely still have the same level of recommendation. Mr. Roeder stated that they felt they would not get a favorable decision from City Council on the specific use permit request (20-0006SUP) is the reason they withdrew that request. Commission Member Kuykendall asked what conversations were held with the surrounding residents. Mr. Roeder stated that they had a meeting on August 10, 2021 and they made some modifications to the site plan based upon their requests. He stated that last October he sent emails to the three Avalon contacts that he had about the proposed development and he did not hear back from them. Vice-Chairman Mantzey stated that we appreciate the citizens involvement, and they have the right to voice their concerns. He stated that the following specific use permit request that has been withdrawn has totally confused the situation overall. Vice-Chairman Mantzey stated that the warehouse was not going to happen if "C3" – Regional Commercial District was approved. He stated that anything is possible in the future. Vice-Chairman Mantzey stated that "C3" – Regional Commercial District would bring the zoning up to date. He stated that when you have a "PD" –

Planned Development District where you have to plat out the whole large tract is archaic. Vice-Chairman Mantzey stated that he is in favor of the proposed zoning request. He stated that the "C3" – Regional Commercial District protects the citizens as much as the current zoning on the property. Vice-Chairman Mantzey stated that the citizens should take it as a win that the warehouse use was withdrawn by the applicant. Commission Member Doak concurred with Vice-Chairman Mantzey's comments. He stated that a specific use permit would not be able to get pass you, Planning & Zoning Commission, and City Council. Commission Member Kuykendall asked how many letters of opposition were received on this agenda item. Ms. Sheffield stated that we received 49 online comments listing this agenda number; however, there was some miscommunications with people thinking that the zoning request was for the warehouse. She stated that the zoning request was for commercial to commercial. Ms. Sheffield stated that the specific use permit request was for the warehouse use on the property. On a motion by Commission Member Doak, seconded by Vice-Chairman Mantzey, the Commission approved the motion to recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 6-1-0. Commission Member Kuykendall voted against the motion. Chairman Cox stated that the recommendation of the Planning & Zoning Commission will be forwarded to City Council for final actions at the September 21, 2021 meeting.

- 20-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use
0006SUP3 Permit to Allow for Warehouse Uses, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and Tina Drive. Ms. Kaitlin Sheffield, Planner II for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item tabled indefinitely as the applicant withdrew the specific use permit request for the warehouse development. She offered to answer questions.

Chairman Cox opened the public hearing and called for comments. Mr. Chihiro Kurokawa, 4313 Cannock Drive, McKinney, TX, asked how many letters of opposition were received for this request. He stated that there were countless number of profitable uses that could be built here that the community would accept. Mr. Kurokawa asked why there was such a drive to development this warehouse use next to a residential community. He asked if there was a higher, better use for the property. Chairman Cox stated that 178 letters of opposition were received regarding this request. On a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and table the item indefinitely since the applicant withdrew the request, with a vote of 7-0-0.

21-0007M Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-135 (Landscape Requirements) of the Code of Ordinances. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, explained the proposed amendments to Chapter 146 (Zoning Regulations), Section 146-135 (Landscape Requirements) of the Code of Ordinances. She stated that Staff was trying to reorganize the way the landscape ordinance addresses landscaping and parking lots, introduce a new alternate compliance component, and make some clarifications to improve the development codes. Ms. Arnold stated that this is related to the work being completed on the New Code McKinney Initiative. She discussed the proposed changes to the ordinance and offered to answer questions. Vice-Chairman Mantzey stated that he appreciated Staff's work on revising the ordinances in a timely manner, especially considering the amount of other work that Staff is completing has been outstanding over the past year. 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 ordinance amendments as recommended by Staff, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning & Zoning Commission will be forwarded to City Council for final actions at the September 21, 2021 meeting.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

PUBLIC COMMENTS REGARDING MATTERS NOT ON THE AGENDA

Chairman Cox called for public comments regarding matters not on the agenda. There were none.

Chairman Cox called for Commission and Staff Comments. Ms. Jennifer Arnold and Ms. Caitlyn Strickland discussed the American Planning Association Conference being held in Ft. Worth, TX this November.

On a motion by Commission Member Doak, 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 7:27 p.m.

BILL COX
Chairman