

Planning and Zoning Commission Meeting Minutes of August 27, 2019:

19-0002SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for an Automobile Repair (Meineke Car Care Center), Located on the Southwest Corner of Ridge Road and McKinney Ranch Parkway. Mr. David Soto, Planner I for the City of McKinney, explained the proposed specific use permit request. He stated that the applicant is requesting a specific use permit to allow for an automobile repair facility on the subject property. Mr. Soto stated that he distributed two letters of opposition regarding this request to the Commission prior to the meeting. He stated that the governing zoning district, "C-2" – Local Commercial District, requires that a specific use permit be granted in order for an automobile repair to be operated on the subject property. Mr. Soto stated that as part of the specific use permit, the applicant has submitted a site layout detailing the building and parking locations, as well as, the internal site circulation. He stated that the applicant is seeking a variance to use an alternate screening device consisting of Nelly R. Stevens shrubs to screen the overhead doors from non-residential properties to the west and south. Mr. Soto stated that the applicant is also proposing one canopy tree per 30 linear feet to further screen the use and provide additional trees on the subject property. He stated that the City's standards call for one canopy tree per 40 linear feet. Mr. Soto stated that Staff is the opinion that the proposed living screen will adequately screen the view of the overhead doors, while providing a more flexible option on the property. He stated that Staff has no objections to the variance request. Mr. Soto stated that

Staff has evaluated the specific use permit request and feels that it is inappropriate for the proposed use and is incompatible with existing land uses on the adjacent properties. He stated that at the time the subject property was rezoned in 2014, the intent of the 2014 Planned Development was to continue and build upon the design and principles set forth by the "REC" – Regional Employment Center Overlay District to create a high quality and walkable mix of uses. Mr. Soto stated that the "PD" – Planned Development established neighborhood appropriate uses, while specifically excluding certain uses such as mini-warehouse, pawnshops, and automotive repair. He stated that given the location and size of the property, as well as, the nearby residential uses and small-scale retail, Staff has concerns that the proposed automotive repair facility would not be of an intensity appropriate for the area, nor would it be in line with the vision originally established for the property. Mr. Soto stated that Staff recommends denial of the proposed specific use permit request and offered to answer questions. Commission Member McCall stated that he thought this corner was recently rezoned. Mr. Soto stated that all of the exclusions mentioned were in the 2014 zoning district. He stated that the property was recently rezoned from "PD" - Planned Development District to "C2" – Local Commercial District. Commission Member Haeckler asked if the variance request only applies to the specific use permit request. Mr. Soto stated that was correct. Mr. Gregory Casey, Sanchez & Associates, 2000 N. McDonald Street, McKinney, TX, thanked the Commission for allowing him to speak in favor of this request. He stated that the developer of the subject property owns the other Meineke Car Care Center in McKinney. Mr. Casey stated that this corner is zoned "C2" – Local

Commercial District, which allows the use with a specific use permit. He stated that this corner property is at the intersection of two major arterials – Ridge Road and McKinney Ranch Parkway. Mr. Casey he stated that this is a heavily traveled intersection with six lane roads in both directions. He stated that if you are going to have a more intense commercial use, then you would think it would be at an intersection exactly like this one. Mr. Casey stated that he feels that this is an appropriate use for the subject property. He presented photograph of where the other Meineke Car Care Center in McKinney is located. Mr. Casey stated that it is located directly across the street from the Pioneer Ridge Gracious Retirement Living Center. He stated that the subject property would also be adjacent to an independent living facility. Mr. Casey stated that the original Meineke Car Care Center in McKinney has operated for years without complaints or issues and have been a good member of the community. He showed photographs of other businesses with similar uses, what they are adjacent to, and where they are located. Mr. Casey gave an example of the Affordable Automotive located mid-block on Virginia Parkway. He stated that it is directly adjacent to single-residential uses. Mr. Casey stated that the proposed Meineke Care Care Center would not be directly adjacent to single-family residential uses. He gave an example of Nortex Lube and Tune that is surrounded by single-family residential uses and is also located mid-block. Mr. Casey gave an example of Kwik Kar Lube & Tune on Louisiana Street is mid-block and directly adjacent to multi-family residential uses. He gave the example of Nortex Lube and Tune on White Avenue being located at an intersection and being directly adjacent to multi-family to the south. Mr. Casey gave an example of McKinney Oil

exchange on Eldorado Parkway being mid-block and adjacent to single-family and multi-family uses. He gave an example of Kwik Kar on Custer being mid-block and adjacent to single-family residential uses. Mr. Casey stated that these uses already exist in McKinney that are largely mid-block uses that are adjacent to single-family uses or more dense residential than what is being proposed for the subject property. He stated that these business operate without problems or issues. Mr. Casey stated that he believes that the proposed site of two major arterials is a more fitting location than any of the examples that he gave. He stated that the developer has gone to lengths to minimize the impact of the use with enhancing the landscaping and screening. Mr. Casey stated that the developer is committed to using quieter equipment, limiting advertisement, and limiting the types of vehicles being serviced. He stated that a Meineke Car Care Center is not a full-service automotive repair shop. Mr. Casey stated that they do not do bodywork or complete engine work. He stated that they mainly work on mufflers, brakes, and oil changes. Mr. Casey stated that the noise coming from the proposed use would be very limited. He offered to answer questions. Chairman Cox asked if they held meetings with the adjacent property owners about the proposed development. Mr. Casey stated that they spoke with a couple of the property owners. He stated that they had not heard from any residential property owners around the area; however, there are not any single-family or multi-family residential uses within 200' of the subject property. Mr. Casey stated that Mr. Ghee owns property across the street and had expressed reservations; however, is not present at this meeting. He stated that Mr. Ghee has not sent in any letters of opposition. Chairman Cox

opened the public hearing and called for comments. Ms. Doris Lea, 6421 McKinney Ranch Parkway, McKinney, TX, stated that she is the Executive Director of Hidden Springs of McKinney. She stated that she has worked in senior living for 46 years. Ms. Lea stated that their building, services, and rates are high end. She stated that their building is winning national architectural awards. Ms. Lea stated that the Pioneer Ridge is an affordable housing development. She stated that the last thing that they need is having a use like this next to them. Ms. Lea stated that they have four stories of independent living and will be able to see the proposed development from some of the windows in Hidden Springs. She stated that this is the last move for a lot of their residents. Ms. Lea stated that they have doctors, lawyers, business men, and entrepreneurs moving in their facility. She stated that if a car care center is built next door that it will hurt their business. Ms. Lea stated that their fourth floor is almost sold out. She stated that she might have to go back explain that this could be in their view from the fourth floor windows. Ms. Lea stated that approximately 30% of their residents are coming from out of state due to their family living in McKinney. She stated that she is very concerned that this could damage their business. Vice-Chairman Mantzey asked if the investment in the Hidden Springs in McKinney will be over \$40,000,000. Ms. Lea stated that it is over \$43,000,000. Mr. Kannan Perumalsamy, 4125 Portola Drive, McKinney, TX, stated that he is a board member of the Eagle Ridge Community Homeowners Association (HOA) and was speaking on behalf of their concerns. He stated that they have 56 residential properties. Mr. Perumalsamy stated that most of the property owners are first time homeowners. He stated that they purchased the property to enjoy the

blissful opportunities in McKinney and a better place to raise their children. Mr. Perumalsamy stated that they live across the street from the subject property. He expressed concerns about decreased property values, increased traffic, and noise level issues from the proposed car care center. Mr. Joe Benton, 4840 Heather Glen Trail, McKinney, TX, stated that the original zoning on the property did not allow an automotive repair, among other uses on the property. He stated that the subject property was rezoned within the past two months which allows this use with a specific use permit (SUP) approval. Mr. Benton stated that he owns 1 ½ acres of property immediately to the south of the lot and shopping center on Roper. He stated that he is in opposition of having an automotive use put on this corner. Mr. Benton stated that he feels it is an inappropriate corner use and devalues his commercial investment. He stated that immediately to the west borders is the senior living residential development. Mr. Benton stated that immediately to the north, across the street, is a Montessori school and an Episcopal church. He stated that northeast of the subject property is a residential development with a corner commercial lot. Mr. Benton stated that immediately to the east is Eagle Ridge Subdivision. He stated that the owner of the commercial corner east of Eagle Ridge Subdivision had submitted a letter of opposition to this request. Mr. Benton stated that a lot of the neighborhood interest saying this is an inappropriate use for the subject property. He stated that there will be a lot of air impact tools used and he did not believe that they would be muffled. Mr. Benton stated that the noises coming from the proposed car care facility would be loud. He stated that Meineke built their business on exhaust and muffler replacement and have branched out into other car care. Mr. Benton

reiterated that it is going to be noisy. He stated that it will especially effect the Montessori school and residents next door. Mr. Brad Davis, 4109 Red Granite Lane, McKinney, TX, stated that he is on the Landscape and Beautification Committee for Eagle Ridge Homeowner's Association (HOA). He stated that the developer have not contacted the Eagle Ridge Homeowner's Association to discuss their plans. Mr. Davis stated that they have a great community with a lot of children running around on their streets. He stated that he has concerns about what the proposed development will look like, traffic patterns, hours of operation, and noise levels. Ms. Lucia Pantano, 5800 Morning Wind Drive, McKinney, TX, stated that is was also part of the Eagle Ridge Homeowner's Association (HOA). She stated that she and her husband are new homeowners. Ms. Pantano stated that she did not hear about this request coming before the Commission until today when their homeowner's association sent an e-mail. She concurred with the previous speaker's concerns and stated that she was also in opposition to the request. Ms. Pantano asked how they could learn what business are going up around their neighborhood. Chairman Cox stated that Staff could discuss options with her after the meeting. Mr. Kishan Ahuja, 4100 Red Granite Lane, McKinney, TX, stated that he is part of the Eagle Ridge community. He stated that he is also in opposition to this request for the same reasons as mentioned earlier by previous speakers. Chairman Cox stated that the following residents turned in speak cards in opposition to the request; however, did not wish to speak during the meeting:

- Michael Ferguson, 5800 Morning Wing Drive, McKinney, TX

- Vikram Kumar, 4100 Portola Drive, McKinney, TX

Mr. Kannan Perumalsamy came back before the Commission to ask how the Eagle Ridge residents could raise their concerns by e-mail or on-line. Chairman Cox stated that residents can contact City Staff with their position on the request. Mr. Soto gave his business card to Mr. Perumalsamy. On a motion by Commission Member McCall, seconded by Commission Member Heackler, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0. Commission Member McCall stated that he was against the rezoning of this property because he did not believe that it made sense. He stated that he does not believe that the proposed use should be at this location with the adjacent neighbors. Commission Member McCall stated that he agrees with Staff's recommendation of denial. Commission Member Doak stated that he does not see the need for this use at this location. He stated that there are better suited business that would not need a specific use permit (SUP) for this location. Commission Member Doak reiterated that he did not believe that this was the right use for this corner at this point. Vice-Chairman Mantzey stated that he is in agreement with Staff for a recommendation for denial due to the luxury investment that was put in next door to the subject property. He stated that this is not what would be best for the neighboring community overall. Vice-Chairman Mantzey stated that when an applicant promises to use special tools in order not to be a disrupter to the neighborhood that is a signal that it is not well blended. Commission Member Haeckler stated that he also agrees with Staff's recommendation for denial. He stated that concurred with the previous concerns mentioned. Commission Member Taylor stated that he also concurred with the

previous concerns mentioned. Chairman Cox stated that these are difficult when you have people who invested money in residential and business properties. He stated that there are precedents in other parts of McKinney for this type of use. Chairman Cox stated that he feels that the use would be appropriate for the subject property. He stated that all of the Commission members have a vote and voice on the request. Chairman Cox called for a motion. On a motion by Commission Member Haeckler, seconded by Commission Member McCall, the Commission unanimously voted to recommend denial of the request per Staff's recommendation, with a vote of 6-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 1, 2019.