

Planning and Zoning Commission Meeting Minutes of November 12, 2019:

19-0085Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" Regional Employment Center Overlay District, Generally to Modify Uses and Development Standards Located on the Northeast Corner of Stacy Road and Arroyo Trail. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant was proposing to rezone the subject property to a new "PD" – Planned Development District, with a base zoning of "C1" – Neighborhood Commercial District. Mr. Moss stated that the applicant was proposing some additional uses to the "C1" – Neighborhood Commercial District that were currently permitted under the existing zoning and gave examples of those uses. He stated that the applicant was also seeking to permit a pet store, kennel, and/or animal boarding with outdoor runs. Mr. Moss stated that the applicant was proposing to limit the outdoor run use to the certain locations on the property and limit the hours of operation for the outdoor run to 6:00 AM – 8:00 PM. He stated that as a provision of exceptional quality, the applicant was proposing to provide additional landscaping around the outdoor runs and building. Mr. Moss stated that the property was situated entirely within a 500' quite zone as stipulated in the City's Noise Ordinance. He stated that Staff was of the opinion that permitting outdoor runs within the quite zone had the possibility to become a sound nuisance. Mr. Moss stated that outdoor runs were only permitted outright in more intense zoning districts, like a "C3" – Regional Commercial District. He stated that Staff recommends denial of the proposed

rezoning request and offered to answer questions. Commission Member McCall asked for some clarification on the quite zone. Mr. Moss explained that the proposed dog runs were proposed to be approximately 320' from the closest residential property. Mr. Jeff Helgeson; Blue Spartan, Inc. dba Dogtopia of McKinney; 8416 Stacy Road; McKinney, TX; explained the proposed rezoning request and gave a presentation. Ms. Kathy Halker, Dogtopia, 6245 N. 24th Parkway, Phoenix, AZ, joined Mr. Helgeson in the presentation. They gave an overview of Dogtopia's philosophy. She stated that they are a pet daycare with 132 locations in the United States. Ms. Halker stated that they have noise and odor control and high safety standards. She stated that their coaches were with the dogs at all times. Ms. Halker stated that they separate the dogs by size and temperament with each group spending approximately 30 minutes outside. Mr. Helgeson stated that there had not been any real issues with the other Dogtopia locations and he felt that they would be a good neighbor. He stated that the McKinney location opened on September 30, 2019 and created four full time and 21 part time new jobs. Mr. Helgeson stated that their customers have requested the outdoor play area for the dogs. He described the proposed outdoor run areas. Mr. Helgeson briefly discuss the proposed landscaping and screening for the site. Ms. Halker briefly discussed how the turf would be cleaned to eliminate any odor or waste issues. Mr. Helgeson stated that they had an acoustical study completed that stated there should not be a noise issue for the surrounding residential property owners. Commission Member McCall asked if they plan to operate during the weekends. Mr. Helgeson stated that weekend hours were 10:00 a.m. – 5:00 p.m. He stated that they offer overnight, inside boarding. Commission Member McCall asked if they limit the number of dogs allowed outside at the same time. Ms. Halker stated that it would be based upon the

square footage of the outside run and the number of coaches available. She stated that they have one coach per 20 dogs, which were separated by size and temperament. Commission Member Haeckler asked for the maximum number of dogs that could be allowed outside with the proposed dog runs. Mr. Helgeson stated that the proposed larger outside run was approximately 1,400 square feet and the smaller outside run was approximately 600 square feet. Ms. Halker stated that typically there were 20 dogs outside at one time per 1,000 square foot outdoor run space, depending on the size of the dogs. Commission Member Haeckler asked if they were saying the maximum number of dogs outside at one time would be 40 dogs. Mr. Helgeson and Ms. Halker said yes, that the maximum number of dogs outside at one time would be 40. Commission Member Kuykendall asked if Dogtopia had previous noise violations over the years. Ms. Halker stated that they had not. She stated that there had been previous complaints of dogs barking and gave an example of where it turned out to be a residential neighbor's dog barking. Ms. Halker stated that they also have webcams with audio outside to monitor the dogs during their outside play time. She stated that they find most of the noise complaints that the barking in question turns out to be a residential neighbor's dog that was closer to the person complaining. Ms. Halker stated that Dogtopia had been in business since 2002 and was rapidly opening locations around the United States. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Taylor stated that he was in support of the proposed rezoning request. Commission Member Kuykendall stated that there were ways to file a complaint with the City and on the company's website. Mr.

Moss stated that the City of McKinney Code Enforcement Staff would research into complaints filed with them. Commission Member Kuykendall stated that she would hate to deny the request based upon the potential of a noise issue when the company had a track record of not being a nuisance and being a supporter of the community. She stated that she values Staff's recommendations and that it was rare for her to go against their recommendation. Commission Member Kuykendall stated that this request was very unique and that she was in support of this request. Vice-Chairman Mantzey stated that he would not compare dog noises to children playing. He stated that the biggest complaints between neighbors in Stonebridge Ranch was barking dogs. Vice-Chairman Mantzey expressed concerns about if this request was approved that it would set a precedence for other similar uses in less intense zoning districts within McKinney. He stated that he would support Staff's recommendation for denial. Commission Member Doak questioned if the road noise would create more noise than the dogs in the proposed outside runs. He stated that the applicant should have done more due diligence in finding a location knowing that at some point they would want outside dog runs. Commission Member Doak stated that he typically does not go against Staff's recommendations. He did not believe that the dogs would create that big of disturbance for the adjacent property owners; however, if there were noise issues that it would bite them pretty hard. Commission Member Doak stated that he would be in support of the proposed rezoning request. Commission Member Haeckler stated that noise ordinance was there for a reason. He stated that the applicant's noise study was done with 15 dogs; however, there could be up to 40 dogs outside. Commission Member Haeckler stated that dog noises carry. He stated that he would be in support of Staff's recommendation for denial of the proposed rezoning request. Commission

Member McCall stated that he was in favor of the proposed rezoning request, since the subject property was not adjacent to a residential property and located near a busy road. He felt there would be enough screening and distance to block the sound of the dogs barking. Chairman Cox stated that the City's ordinances are in place for a reason. He felt this request was a unique situation that warrants supporting. Chairman Cox stated that there were enforcement measures in place if there were any concerns. He applauded Staff in the work they did on this request. Chairman Cox stated that he respected the opinions of the other Planning and Zoning Commission Members. On a motion by Commission Member Taylor, seconded by Commission Member Kuykendall, the Commission recommended approval of the proposed rezoning request as requested by the applicant, with a vote of 5-2-0. Vice-Chairman Mantzey and Commission Member Haeckler 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 December 3, 2019.