

## PLANNING AND ZONING COMMISSION

JUNE 23, 2020

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, June 23, 2020 at 6:00 p.m.

City Council Present: Mayor George C. Fuller, Charlie Philips, and Rick Franklin

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, Cam McCall, and Bry Taylor

Staff Present: Director of Planning Jennifer Arnold, Planner II Danielle Mathews, Planners Kaitlin Gibbon and Joseph Moss, and Administrative Assistant Terri Ramey

There were approximately 70 guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

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

The Commission unanimously approved the motion by Commission Member Doak, seconded by Commission Member Haeckler, to approve the following Consent item as recommended by Staff, with a vote of 7-0-0.

**20-0539** Minutes of the Planning and Zoning Commission Regular Meeting of June 9, 2020.

END OF CONSENT AGENDA

Chairman Cox called for plat consideration under Texas Local Government Code Chapter 212.

On a motion by Vice-Chairman Mantzey, seconded by Commission Member Kuykendall, the Commission unanimously voted to approve the proposed preliminary-final plat as conditioned in the Staff Report, with a vote of 7-0-0.

**20-0067PF** Consider/Discuss/Act on a Preliminary-Final Plat for Milligan-Bixler Addition, Located in the ETJ of McKinney, Approximately 2,125 Feet South of County Road 408 and on the East Side of County Road 406.

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.

**20-0028SP** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for Melissa ISD (Willow Wood Elementary School) Located Approximately 1,300 Feet West of Fannin Road (County Road 338) and on the South Side of County Road 278. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed variance request to the site plan, location of the subject property, and the proposed landscaping. He stated that the site plan meets all the standard requirements, except for the rooftop screening standards. Mr. Moss stated that the applicant is requesting to use parapets that are lower than the 1' above the equipment requirement. He stated that they are placing rooftop units in such a way that they would not be able to be seen from the right-of-way. Mr. Moss stated that the large setback, size, and configuration of the building, along with the equipment being located centrally on the roof, contribute to the ability to reduce the visibility from street level. He stated that given these considerations, Staff is comfortable with the variance request and thus recommends approval. Mr. Moss offered to answer questions. There were none. Mr. Matt Davis, Project Manager for Perkins and Will, 2218 Bryan Street, Suite 200, Dallas, TX 75201, concurred with the Staff report 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 as recommended by Staff, with a vote of 7-0-0.

**20-0004Z** 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 Use and Development Standards and to Allow for an Indoor and Outdoor Wedding / Event Venue or Banquet Facility, Located on the Southwest Corner of Virginia Parkway and Lake Forest Drive. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed rezoning request, location of the subject property, and discussed the adjacent properties. He stated that 50 additional letters of opposition were distributed to the Commission prior to the start of this meeting. Mr. Moss stated that the current zoning on the property is split into two tracks. He stated that the retail track permits a variety of retail uses. Mr. Moss stated that the rear track is generally aligned with the "O" – Office District, which includes indoor amusement uses. He stated that it would allow an indoor wedding venue; however, there is a limitation of 15,000 square footage allowed under the current zoning. Mr. Moss stated that the proposed rezoning would still divide the property into two tracts; however, rearranges them slightly. He stated that Tract Two would develop in accordance with the "C1" – Neighborhood Commercial District with some modifications to the permitted uses. Mr. Moss stated that Tract One would utilize the "SO" – Suburban Office District, with some modifications to the permitted uses, including adding the indoor/outdoor wedding/event venue and/or banquet facility with up to eight overnight suites in conjunction with an event rental would be permitted. He stated that the outdoor uses would be limited in location and need to be at least 150' away from residential uses. Mr. Moss stated that the space limits mostly follow the existing zoning, with the most notable change in Tract One being an increase in the maximum building height from 35' to 40'. He stated that the applicant is offering several enhancements with a 30' tree perimeter zone that would follow the adjacent residential development and extend along Village Drive to protect all trees that are 6" or greater in diameter. Mr. Moss stated that

they would also be required to plant one tree per thirty linear feet along the property line where trees are currently not present. He stated that the applicant is proposing a screening device along Village Drive. Mr. Moss stated that the applicant would also be keeping the enhanced signage and lighting requirements from the current "PD" – Planned Development District. He stated that they are also requiring full cut-off luminaries in order to guard against light pollution. Mr. Moss stated that Staff has received numerous letters of opposition to the proposed rezoning request, generally citing concerns of traffic, noise, and building size. He stated that any development on the arterial roadway would be required to provide right turn lanes into the site. Mr. Moss stated that at time of platting a traffic impact analysis would be required if the City of McKinney Engineering Department deemed it necessary. He stated that the property would be subject to the City's noise ordinances. Mr. Moss stated that the City's space limits provide exceptions for architectural features, such as domes, spires, or cupolas, as long as they could provide an additional setback for each foot in height. He stated that this would apply to the proposed zoning district. Mr. Moss stated that given the location, on an arterial roadway, Staff is comfortable with the height request. He stated that when evaluating the proposal, Staff was considering outdoor amusement as a use and where it would be appropriate on this site. Mr. Moss stated that Staff noted that there are other outdoor uses permitted in some other neighborhoods and gave examples. He stated that this site has some significant topography that will provide a natural separation between the uses. Mr. Moss stated that Staff feels that the proposed zoning is appropriate and recommends approval of the request, then offered to answer questions. Commission Member McCall inquired about floodplain area of the property. Mr. Moss stated that there is a creek that currently runs through the site. He stated that they might be able to reclaim some of the property if it is not within

the full floodplain. Mr. Moss stated that a concept plan submitted to Staff shows part of the creek remaining as a feature to the site. He did not feel that the creek would affect the overall developability of the property. Commission Member Haeckler asked if they completed a noise study. Mr. Moss stated that a noise study was not completed in conjunction with the proposed rezoning request. Commission Member Haeckler asked about the setbacks. Mr. Moss stated that it would be approximately 150'. Commission Member Haeckler asked if there were any restrictions on street parking. Mr. Moss stated that currently there is no street parking allowed on Virginia Parkway or Lake Forest Drive, since they are arterial roadways. He stated that the Engineering Department would determine if parking would be allowed along the collector roadway. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the applicant was not proposing any parking changes with this rezoning request. She stated that they would be required to follow the standards of the Zoning Ordinance with all parking to be provided onsite. Ms. Arnold stated that the concept plan shows the access to the facility would be off Virginia Parkway. Vice-Chairman Mantzey asked about the hours of operation. Mr. Moss stated that they would need to follow the hours of operation set up in the City's noise ordinance. He stated that for any speaker equipment they would not be allowed to operate them between 10:00 p.m. – 7:00 a.m. between Sunday – Thursday and then 11:30 p.m. – 7:00 a.m. on Friday and Saturday. Mr. Moss stated that there is also another noise ordinance limiting the number of decibels, not above 65 decibels, that can be present between 6:00 a.m. – 9:00 p.m. He stated that at night the noise could not exceed above 50 decibels. Chairman Cox asked for the differences of what is currently allowed and what is being requested for the property. Mr. Moss stated that the proposed rezoning is a modernization of the existing zoning. He stated that the most notable changes and enhancements were height requirement,

screening and buffering, tree preservation, site coverage, and the maximum building area on Track One would increase from 15,000 square foot to 45,000 square foot. Mr. Steve Homeyer, Homeyer Engineering, Inc., 206 Elm Street Lewisville, TX, explained the proposed rezoning request. He briefly discussed what they initially proposed on the site and how it had changed while working with City Staff. Mr. Homeyer stated that they were proposing a pond with a gazebo with the new layout. He stated that they intent to maintain the trees and there would also be a 6' masonry screening wall near the adjacent residential properties. Mr. Homeyer stated that he read through the majority of the letters of opposition received by Staff. He stated that they mostly were concerns with traffic congestion, loss of trees and vegetation, parking, vehicle lights, and noise concerns. Mr. Homeyer discussed the 2018 traffic counts on Virginia Parkway and Lake Forest Drive. He stated that they were large arterial streets designed and intended to carry large sums of traffic. Mr. Homeyer did not feel the number of vehicles that they would expect at their site to be a significant increase to the existing traffic counts. He also felt the traffic generated by the site would be off-peak times. Mr. Homeyer stated that they were planning to keep as many trees as possible on the site. He stated that the proposed screening wall and vegetation would block the vehicle lights. Mr. Homeyer stated that the parking lot lights will have the cut-offs, so that the light will be directed downward. He stated that they would also be adhering to the City's photometric and noise requirements. Mr. Homeyer gave examples of development that could occur on the property under the current zoning. He offered to answer questions. Commission Member Haeckler asked about the proposed total height. Mr. Homeyer stated that the very top of the proposed tower segment would be approximately 71'. Vice-Chairman Mantzey asked about the typical events and when would they be held. Mr. Sanjay Joshi, 8600 Riviera

Court, Flower Mound, TX, stated that they plan to host corporate, engagement ceremonies, and wedding events. He stated that most of the events would be held inside and typically on Fridays and Saturdays. Mr. Joshi stated that there would be some outdoor weddings and events held at the gazebo. He stated that they were fine with the City's requirements on the hours of operation. Commission Member Haeckler asked about music outdoors at the site. Mr. Joshi stated that they would follow the City's regulations and requirements. Chairman Cox opened the public hearing and called for comments. The following 18 residents spoke with opposition to the proposed rezoning request.

- Mr. George Moore, 3045 Village Drive, McKinney, TX
- Mr. Jason Wofford, 5104 Sandy Court, McKinney, TX
- Ms. Kelly Bender, 5129 Sandy Court, McKinney, TX
- Ms. Mia Bella Mecham, 200 S. Village Drive, McKinney, TX
- Mr. Mike Mecham, 200 S. Village Drive, McKinney, TX
- Mr. Peter Litwin, 5124 Sandy Court, McKinney, TX
- Mr. Patrick Jackson, 5120 Sandy Court, McKinney, TX
- Mr. Chris Carroll, 5133 Sandy Court, McKinney, TX
- Mr. Tom Gibson, 5125 Sandy Court, McKinney, TX
- Mr. Keith Harber, 7501 Crestway Court, McKinney, TX
- Mr. Michael Cameron, 2025 Savannah Drive, McKinney, TX
- Ms. Danielle DeCoudreaux, 5309 Stone Brooke Crossing, McKinney, TX
- Ms. Christine DeCoudreaux, 5309 Stone Brooke Crossing, McKinney, TX
- Mr. Tareq Nasraluh, 5128 Lake Bend Drive, McKinney, TX
- Ms. Sandy DeLaunay, 304 S. Village Drive, McKinney, TX
- Ms. Asha Shetty, 313 Blue Spring Drive, McKinney, TX
- Ms. Heidi Mecham, 200 S. Village Drive, McKinney, TX
- Mr. Jacob Bell, 1809 Cypress Point Drive, McKinney, TX

The following resident spoke in support of the proposed rezoning request.

- Mr. Joe Joplin, 407 S. Tennessee Street, McKinney, TX

The following resident turned in a speak card in opposition to the proposed rezoning request; however, did not wish to speak during the meeting.

- Ms. Ekaterina Harber, 7501 Crestway Court, McKinney, TX

Chairman Cox called for additional public comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey asked Staff to discuss what could and could not be built on the property under the current zoning. Mr. Moss stated that the current zoning is split into two different tracks. He stated that the retail track portion would allow for a variety of retail uses, similar to what is located across the street. Mr. Moss stated that the rear portion of the property was currently zoned for office development that permits indoor events as part of the allowed uses. He stated that it has a square footage cap of 15,000 square feet per structure; however, multiple structures could be built on the property. Mr. Moss stated that a lot of the provisions in the current zoning were carried through to the proposed rezoning request. He stated that the lighting and signage would be very similar. Mr. Moss stated that the current rear yard setback is 25' to the adjacent residential. He stated that they were proposing a 30' tree preservation zone, which they would not be allowed to build within that area, which is an increased buffer. Commission Member Haeckler asked if there were any limitations from the Fire Marshal. Mr. Moss stated that at the time of a building permit submittal, the Fire Marshal and Building Inspections Department would make a determination on the ultimate compacity of the structure. Commission Member Haeckler asked for clarification on a traffic study

for the site. Mr. Moss stated that if the Engineering Department deemed it necessary for the site, they would require it at the time of platting. Commission Member McCall if the major difference was the size of the building. Mr. Moss stated that the size and the outdoor components were the reasons they needed to rezone the property. Commission Member Haeckler asked if having a larger building verses having multiple smaller buildings would allow for additional patrons. Mr. Moss stated that the final occupancy load would be determined on a number of factors. Ms. Arnold stated that we have a concept plan that is not tied down to the proposed rezoning request. She stated that the capacity, parking, fire lanes, tree requirements, et cetera would be more fully evaluated during the site plan process. Ms. Arnold stated that the applicant is willing to put a cap on the individual building size at 45,000 square foot. She stated that at this time we do not know what the ultimate building size would be for the development. Ms. Arnold stated that currently each individual building was capped at 15,000 square feet. She stated that if there is one larger building or multiple small buildings on the site, they would still have to meet all of the requirements for site development. Ms. Arnold stated that we are looking at the use and square footage of the building. Commission Member Kuykendall asked if the proposed rezoning would be adding the outdoor events as uses on the property. Ms. Arnold stated that under the current zoning they would be allowed to do the indoor events at the site. She stated that the outdoor component would be added under the proposed rezoning. Ms. Arnold stated that they would be required to park the outdoor component as well. Commission Member Taylor asked Staff to go over the hours of operation for the outside. Mr. Moss stated that the hours of operation limitation would come from the noise ordinance. He stated that the noise ordinance says they would not be permitted between 10:00 p.m. – 7:00 a.m. from Sunday – Thursday and 11:30 p.m. – 7:00 a.m. on Friday and

Saturday. Ms. Arnold stated that the City of McKinney does not inherently regular hours of operation for businesses. She stated that the City regulates the noise and nuisance that may come from the hours of operation. She stated that the Zoning Ordinance has a set of performance standards that limit the decibel level for noise abounding the property line between a commercial property and a residential property that they could not exceed 65 decibels during the daytime (6:00 a.m. – 9:00 p.m.) and 58 decibels at nighttime hours. Ms. Arnold stated that any commercial business would be subject to that requirement. She stated that Section 70 of the Code of Ordinance is in reference to nuisances, which also relates to noise. Ms. Arnold stated that outdoor noise disturbances are limited to the hours that Mr. Moss mentioned earlier. She stated that there are two layers when they talk about noise. Ms. Arnold gave an example of a barking dog creating a noise disturbance that any resident could contact the City with a complaint. Chairman Cox asked the applicant how he would address some of the concerns and comments that the residents expressed during the public comments portion. Mr. Homeyer stated that a lot of the concerns he heard were based on the proposed use. He stated that the proposed use is technically currently allowed on the property. Mr. Homeyer stated that the substantial change that they are proposing is the building size and the outdoor use. He stated that they were also asking for an increase in height. Mr. Homeyer stated that they would have a lot of the same issues regardless of the zoning. He stated that they would do everything that they could possibly do to limit the noise and lighting by following the City's ordinances. Commission Member Doak asked how committed they were to the plan that was submitted as informational only. Mr. Homeyer stated that they were highly committed to it. He stated that Mr. Joshi and his architect have traveled to numerous facilities around the country to see what works and what does not work.

Mr. Homeyer stated that he did not feel that there would be a tremendous change. He stated that they still have to go through the site plan and building permit phases and as they go through those processes there is potential for change based upon code related items that will need to be addressed. Commission Member Doak asked about the proposed office and retail development. Mr. Homeyer stated that the retail would be something commercial to help address some of the needs of the nearby residents. He did not know exactly what would go in there. Mr. Joshi stated that they met with one of the homeowner's associations (HOAs) and tried to meet with the second homeowner's association (HOA) without success. He stated that they sent letters to everyone to discuss the project. Mr. Joshi stated that the residents heard about the project through their efforts. He discussed the process they went through coming up with the proposed rezoning request. Mr. Joshi felt the current proposal was the best plan that they had come up with for the project. Commission Member Haeckler expressed concerns about having a larger venue to have a higher density and that 150' setback was the minimum requirement. He stated that he did not often go against Staff's recommendation; however, he would be in favor of recommending denial of this request. Commission Member Kuykendall stated that the larger building was not as much of a concern to her as the outdoor component. She stated that it is easier to contain noise when it is inside a building as opposed to when it is outside. Commission Member Taylor stated that he did not have an issue with the proposed building size. He stated that he would vote in favor of the request if it did not have the outdoor event area. Commission Member McCall stated that basically the building size and adding the outdoor component was being considered tonight. He stated that he was hard for him to be opposed to the request. Commission Member Doak stated that he did not have an issue with the building size. He felt that if the outside component were removed this

would be a much easier decision for the Commission. Vice-Chairman Mantzey stated that losing greenspaces is always difficult, especially south of State Highway 380 (University Drive), where there is a lot of infill. He stated that the residents also disliked the Ledges when it came in just up the road and expressed similar concerns at that time. Vice-Chairman Mantzey stated that the proposed building size is too large. He stated that the increase in the outdoor, back towards the residents, was not the right type of venue. Chairman Cox stated that he agrees with Staff's recommendation. He stated that it was an appropriate use for the site. Chairman Cox called for a motion. On a motion by Commission Member Haeckler, seconded by Vice-Chairman Mantzey, the Commission voted to recommend denial of the proposed rezoning request, with a vote of 4-3-0. Chairman Cox, Commission Member Doak, and Commission Member McCall 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 July 21, 2020.

**20-0040Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "DR" - Duplex Residential District, Located on the East Side of Rockwall Street and approximately 615 Feet North of Gerrish Street. Ms. Danielle Mathews, Planner II for the City of McKinney, explained the proposed rezoning request for the intent to build four duplexes on the subject property. Ms. Mathews gave reasons as to why Staff recommended approval of the request. She stated that a letter of support was distributed prior to the meeting to the Commission. Staff recommended approval of the proposed rezoning request, and Ms. Mathews offered to answer questions. There were none. Mr. Omid Farzadpour, 581 Talia Circle, Fairview, TX, explained the proposed rezoning request. He felt the proposed development would be a better

use of the property He stated that he appreciated all the help given by City Staff. Chairman Cox opened the public hearing and called for comments. The following eight residents spoke in opposition to the proposed rezoning request:

- Ms. Kimberly Palmer, 904 Rockwall Street, McKinney, TX
- Mr. Eddie Burns, 2328 Brookview Drive, McKinney, TX
- Mr. Jonas Palmer, 904 Rockwall Street, McKinney, TX
- Ms. Jazzmine Burns, 2328 Brookview Drive, McKinney, TX
- Ms. Dorothy Bradley, 902 Healy Street, McKinney, TX
- Ms. Johnnie Barrett, 513 Oak Point Drive, McKinney, TX
- Ms. Charla Borum, 513 Oak Point Drive, McKinney, TX
- Ms. Angela H. Henderson, 824 Rockwall Street, McKinney, TX

The following two residents turned in speaker cards in support of the proposed rezoning request; however, did not wish to speak during the meeting:

- Ms. Marth Nelson, 1034 Murray Street, McKinney, TX
- Ms. Ruby Bollin, 821 Rockwall Street, McKinney, TX

The following four residents turned in speaker cards in opposition to the proposed rezoning request; however, did not wish to speak during the meeting:

- Ms. Tonya Burns, 2328 Brookview, McKinney, TX
- Mr. Patrick Palmer, 2336 N. Ridge Road, McKinney, TX
- Ms. Roshon Palmer, 2336 N. Ridge Road, McKinney, TX
- Mr. Franklin Wilson, 821 Rockwall Street, McKinney, TX

The following resident turned in a speaker card; however, did not indicate if he was in support or opposition to the proposed rezoning request. He did not speak during the meeting.

- Mr. William J. Bradley, 902 Healy Street, McKinney, TX

Chairman Cox called for additional 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, with a vote of 7-0-0. Commission Member Haeckler asked if everything around this area was single-family residential. He asked Staff to display the location of the church, parking, and the proposed layout. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that there are duplexes in and around the area; however, this street has single-family residential housing adjacent to the subject property. Commission Member Taylor asked where the church parking was located. Mr. Farzadpour stated that the church members had been parking and hold events on the subject property. He stated that the residents that spoke earlier referred to the property as their parking lot; however, it is the lot that they just purchased and plan to develop. Chairman Cox asked who owns the subject property. Mr. Farzadpour stated that his dad owns it. Chairman Cox ask how long his dad owned the property. Mr. Farzadpour said for the past six months. Commission Member Kuykendall wanted to clarify that everything surrounding the church was currently single-family residential on Rockwall Street and if the current duplexes were a couple of blocks from the subject property. Ms. Mathews stated that was correct and Rockwall Street proper was single-family residential properties. Commission Member Doak stated that the subject property seems to be one of the largest lots in the area. He asked the applicant about addressing the resident's concerns about breaking the lot into smaller tracks. Mr. Farzadpour stated that they were currently in the process of subdividing the property into four individual lots. He stated that they were proposed four-bedroom duplexes for large families. Mr. Farzadpour stated that they would be the owners of the duplexes. He stated that there was other rezoning in the area for duplexes. Commission Member Doak asked how many total units were proposed. Mr. Farzadpour said eight units. Commission Member McCall stated that he would prefer to see

single-family houses developed on the property. He acknowledged that there were some duplexes 2-3 blocks away. Commission Members Kuykendall and Doak concurred. Commission Member Haeckler stated that there are no adjacent duplexes to this site and that unfortunately the parking area has been purchased. Commission Member Haeckler felt the duplexes would be a disservice to the adjacent single-family residents. Commission Member Doak concurred. He stated that he would be more in line with having duplexes further up the street. Commission Member Doak stated that he was not in support of the proposed rezoning request. Vice-Chairman Mantzey stated that he would support what the community wishes at this time. He stated that he greatly disagrees with how renters are labeled to a second class for our community. Vice-Chairman Mantzey stated that he was not in support of the proposed rezoning request. On a motion by Commission Member Kuykendall, seconded by Commission Member Taylor, the Commission unanimously voted to recommend denial of the proposed rezoning request, 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 July 21, 2020.

**20-0048Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C" - Planned Center District to "RED-1" - Residential Estates District, Located Approximately 600 Feet West of U.S. Highway 75 (Central Expressway) and Approximately 200 Feet North of White Avenue. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed rezoning request and location of the subject property. He stated that while the site is currently in conformance with the Comprehensive Plan as a commercial center placetype, the site has a number of unique characteristics that limit the developability as a commercial property. Mr. Moss stated that the site has surrounding floodplains that cut it off from other commercial development, no street

frontage, and a lack of access from the commercial street. He stated that because of the unique limitations of the property, Staff does recommend approval of the proposed rezoning request. Mr. Moss offered to answer questions. There were none. Mr. Jon David Cross, Cross Engineering Consultants, 1720 W. Virginia Street, McKinney, TX, concurred with Staff. Mr. Cross stated that the subject property would be a great residential property; however, not a great commercial property. He stated that the property does not have two points of access to meet the Fire Departments requirements for commercial property. Mr. Cross stated that the proposed rezoning made good sense and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Dr. Don Mitchell, 3080 County Road 3115, Greenville, TX, stated that the property was his homestead for 50 years and where he raised his family. He stated that he was surprised to learn that the property was zoned commercial. Dr. Mitchell stated that the property is secluded and surrounded by trees and creeks on three sides; therefore, not a good commercial property. He stated that he owns property on both sides of the creek. Dr. Mitchell requested approval of the proposed rezoning request. On a motion by Vice-Chairman Mantzey, 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 July 21, 2020.

**20-0002SUP2** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for an Indoor Gun Range, Located on the Northeast Corner of Industrial Boulevard and Millwood Road. Ms. Kaitlin Gibbon, Planner I for the City of McKinney, explained the proposed specific use permit (SUP) request and location of the subject property.

She explained that the zoning for the subject property, "ML" – Light Manufacturing district, requires that a specific use permit be granted in order for an indoor gun range to be operated in the building. Ms. Gibbon stated that the proposed use could fit well in this area given the surrounding warehouse and industrial uses. She stated that this proposed request would introduce an approximate 24,000 square foot indoor gun range in an existing building that is located approximately 59 ½' from the "RS-60" – Single Family Residence district boundary line to the north. Ms. Gibbon stated that although not tied down in this specific use permit (SUP), the applicant is proposing to install a cinder block wall with approximately 4" of spray foam installation in between the cinder block and the existing building structure. She stated that both firing ranges will have 4' – 6' thick concrete roof over the top of both proposed ranges. Ms. Gibbon stated that there would also be rubber berms at the end of each firing range to catch bullets and mitigate sound. She stated that Staff has concerns that sporadic and noticeable sounds may still project from the building, thus disrupting the adjacent single-family residences. Ms. Gibbon stated that Staff went to two indoor gun ranges in the Metroplex to observe the sounds coming from the buildings. She stated that you could really hear the shooting sounds coming from the older building; however, could not hear the sounds coming from the newer building. Ms. Gibbon stated that the applicant would be required to maintain the noise level in the performance section of the ordinance. She stated that while there are other ambient noises such as street traffic and airplane noise that may already exist in this area today, the consistent and ambient nature of these noises make them far less noticeable than the potentially sporadic and repetitive sounds that could accompany an indoor gun range. Ms. Gibbon stated that with the concerns of proximity to the residents and noise, Staff recommends denial of the proposed specific use permit (SUP) and offered to answer

questions. She stated that a packet of information with some revisions was provided by the applicant and distributed to the Commission prior to the meeting. Commission Member Haeckler asked if Staff spoke with the older gun range about the proposed gun range to find out the differences between the two. Ms. Gibbon stated that Staff does not have the exact plans in hand of what is existing in the other developments. She stated that it is hard for Staff to distinguish what the applicant is proposing with the sound mitigations verses what they heard with the other two gun ranges that they visited and if the applicant would be able to maintain those performance standard noise levels. Commission Member Kuykendall asked which two existing gun ranges Staff visited. Ms. Gibbon stated that Staff visited the Texas Legends in Allen and the Bullet Trap in Plano. She stated that the Texas Legends has close proximity to the residences that abuts the property line. Ms. Gibbon stated that the Bullet Trap is in an industrial area; however, there is a multi-family residential development to the east. Commission Member Kuykendall asked if there was a sound issue at the Texas Legends. Ms. Gibbon stated that Staff stood at the property line and just outside of the build to listen; however, could not hear anything coming from inside the gun range. Mr. Thom Buyer, 3526 Lakeview Pkwy., Rowlett, TX, explained the proposed specific use permit (SUP). He stated that he has spent years working and learning about every aspect of the business. Mr. Buyer stated that they plan to have 18 live fire shooting lanes at 25 yards each, state of the art video simulation training system, two classrooms, retail space, warehouse, and a waiting area. He stated that this would be designed for families or groups in mind. Mr. Buyer stated that the hours of operation were planned to be from 10:00 a.m. – 8:00 p.m. on Monday – Saturday and 11:00 a.m. – 6:00 p.m. on Sundays. He stated that they choice this location after a long search and found it to have the attributes they require. Mr. Buyer stated that they want to be

part of the McKinney community, which would benefit from the business. He stated that the firearms business has boomed over the past 15 years and gave details of the number of people being licensed in McKinney and Texas. Mr. Buyer stated that there is no gun range currently located in McKinney's city limits. He stated that in addition to their regular clientele, they will host events that will feature nationally known shooting groups and other contests. Mr. Buyer stated that Staff primary expressed concern is the potential of a sporadic noise that could leak from the building. He stated that while they agree with Staff wanting what is best for the surrounding area, they disagree that sound will be an issue because of use of proper engineering methods. Mr. Buyer stated that a good example was the updated engineering methods at the range in Allen. He stated that when that location was proposed the neighbors behind the gun range expressed concerns about the potential of noise. Mr. Buyer stated that the only noise you can hear comes from the nearby highway and that no gunfire can be heard outside the building. He gave examples of gun ranges they visited while designing the proposed gun range. Mr. Buyer stated that the Plano gun range, built in the late 1980s, that Staff visited does not have the proper sound mitigation; therefore, it is unable to block sound from escaping. He stated that another example of poor mitigation was the Frisco gun range and gunfire can be heard in its parking lot. Mr. Buyer stated that the proposed design would be far superior and would be able to block the sound out, so the neighborhood behind them might not even know that they are there. He asked the Commission to base their vote on the information provided by the applicant instead of an experience at another range in another city that was built over 30 years ago. Mr. Buyer requested approval of the proposed specific use permit (SUP) request and offered to answer questions. Commission Member McCall asked about the proposed gun lanes. Mr. Buyers stated that they were placed

in the back, facing east and west, due to the way rectangular building construction. Commission Member Haeckler asked how the other gun ranges that the applicant visited compare with the design he proposed. Mr. Buyer stated that only one range, in Elgin, IL, has their design in it. He stated that they were building a structure inside of the building, so that it is fully contained, and nothing can escape. Mr. Buyer reiterated that most new gun ranges were very quiet. Vice-Chairman Mantzey asked if the proposed specific use permit (SUP) tied down this design as far as the sound proofing. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the proposed specific use permit (SUP) does not currently tie down the sound proofing mitigation. Chairman Cox opened the public hearing and called for public comments. Mr. Bill Rudd, 800 Central Pkwy., Plano, TX, stated that he was here representing the ownership of the property. He stated that they initially had a concern about the sound. Mr. Rudd stated that it was not until he fully understood the proposed construction, of a building within a building, that he felt it was a good fit for the property. He stated that due to Mr. Buyer's expertise and the proposed construction of the gun range, he strongly recommended approval of the proposed specific use permit (SUP). On a motion by Commission Member McCall, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member McCall stated that he wondered why McKinney did not have a gun range. Commission Member Doak stated that he liked the applicant is proposing sound mitigation. He asked for clarification on the proposed structure around the firing lanes. Mr. Buyer stated that it would basically be like an airlock for these ranges due to the air cleaning system. He stated that these walls surround that area completely. Vice-Chairman Mantzey asked if State of Texas licenses were required. Mr. Buyer stated that he had a Federal firearms license for many years and that is the only license

required. Vice-Chairman Mantzey asked if there would be any inspections of the property. Mr. Buyer stated that it would be inspected by The U.S. Department of Labor Occupational Safety and Health Administration (OSHA) and The U.S. Environmental Protection Agency (EPA). Commission Member Doak asked if they propose to have a retail area. Mr. Buyer that they would have memberships, retail store, and two classrooms. Commission Member Kuykendall stated that there is a lot that goes into ensuring the protections of sound and that there had been a lot of thought into the proposed gun range. She stated that she was in support of the request. On a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to recommend approval of the proposed specific use permit (SUP) as requested by the applicant and include the requirement of sound mitigation that has been submitted to 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 July 21, 2020.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Commission Member Kuykendall stated that she appreciates when residents participate in the meetings, especially the younger people.

Vice-Chairman Mantzey stated that he appreciated Staff's hard work on the applications. The Commission agreed.

On a motion by Commission Member Haeckler, 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 9:14 p.m.

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BILL COX  
Chairman