

PLANNING AND ZONING COMMISSION

MAY 11, 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, May 11, 2021 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, Deanna Kuykendall, Cam McCall, Bry Taylor, and Charles Wattley – Alternate

Alternate Commission Member present; however, did not participate in the meeting: Scott Woodruff

Commission Member absent: Christopher Haeckler

Staff Present: City Secretary Empress Drane, Director of Planning Jennifer Arnold, Planning Manager Caitlyn Strickland, Planner II Kaitlin Gibbon, Planner Joseph Moss, and Administrative Assistant Terri Ramey

There were approximately 20 guests present.

Chairman Cox called the meeting to order at 6:05 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 information sharing item. Ms. Empress Drane, City Secretary for the City of McKinney, gave an update on the 2021 McKinney Board & Commission Member appointment process.

21-0386 Update on 2021 McKinney Board & Commission Member Appointments
END OF INFORMATION SHARING ITEMS.

Chairman Cox called for the Consent Item. The Commission unanimously approved the motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, to approve the following Consent item as recommended by Staff, with a vote of 7-0-0.

21-0387 Minutes of the Planning and Zoning Commission Regular Meeting of April 27, 2021.

END OF CONSENT ITEMS.

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 Taylor, seconded by Vice-Chairman Mantzey, to approve the following five plat consideration items as recommended by Staff, with a vote of 7-0-0.

21- Consider/Discuss/Act on a Preliminary-Final Plat for Trinity Falls
0019PF2 Planning Unit 8 East, Located on the Northeast Corner of Olympic Crossing (County Road 228) and County Road 227 (Future Hardin Boulevard). Ms. Kaitlin Gibbon Sheffield, Planner II for the City of McKinney, explained the proposed preliminary-final plat request. She stated that Staff recommends approval of the proposed request as conditioned in the Staff report.

21- Consider/Discuss/Act on a Conveyance Plat for Lots 1-6, Block B of the
0047CVP Corporate Center Addition, Located on the Northwest Corner of Henneman Way and Meyer Way. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed conveyance plat request. He stated that Staff recommends approval of the proposed request as conditioned in the Staff report.

21- Consider/Discuss/Act on a Conveyance Plat for Lots 1-4, Block C of the
0048CVP Corporate Center Addition, Located Southeast Corner of Van Tuyl Parkway and Weiskopf Avenue. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed conveyance plat request. He stated that Staff recommends approval of the proposed request as conditioned in the Staff report.

21- Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-
0052PFR Final Replat for Lots 3R1 and 3R2, Block A, CR Urban Res. Addition, Located Approximately 350 Feet East of Alma Road and on the North Side of Henneman Way. Mr. Joe Moss, Planner I for the City of McKinney, explained the proposed preliminary-final replat request. He

stated that Staff recommends approval of the proposed request as conditioned in the Staff report.

- 21-0056PFR** Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 3R1-A and 3R2-B, Block 1, S.B.T. Addition, Generally Located Approximately 200 Feet East of Highlands Drive and Approximately 220 Feet South of Eldorado Parkway. Ms. Caitlyn Strickland, Planning manager for the City of McKinney, explained the proposed preliminary-final replat request. He stated that Staff recommends approval of the proposed request as conditioned in the Staff report.

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.

- 21-0049Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "BN" - Neighborhood Business District, "ML" - Light Manufacturing District, and "TMN" - Traditional McKinney Neighborhood Overlay District to "SF5" - Single Family Residential District and "TMN" - Traditional McKinney Neighborhood Overlay District, Located at 712 North Tennessee Street (REQUEST TO BE TABLED). Mr. Joe Moss, Planner for the City of McKinney, stated that Staff recommended that the public hearing be continued and the item tabled to the May 25, 2021 Planning and Zoning Commission meeting due to notification signs not being posted on the subject property in the timeframe required by the Zoning Ordinance. He offered to answer questions. Chairman Cox asked if the applicant was aware that the notification signs were not posted on the property as required. Mr. Moss said yes, and they have now posted the signs on the property. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission

Member Doak, the Commission unanimously voted to continue the public hearing and table the request to the May 25, 2021 Planning and Zoning Commission Meeting per Staff's recommendation, with a vote of 7-0-0.

21-0039Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Zone the Subject Property to "LI" - Light Industrial District, Located Approximately 750 Feet West of Almeta Lane and on the South Side of Harry McKillop Boulevard (F.M. 546). Ms. Kaitlin Gibbon Sheffield, Planner II for the City of McKinney, explained the proposed zoning request. She stated that the applicant is requesting to zone the subject property to "LI" – Light Industrial District, generally for industrial uses. Ms. Sheffield stated that this request aligns with the 'Aviation', 'Manufacturing & Warehousing', and 'Employment Mix' placetypes designated in the Comprehensive Plan. She stated that Staff feels that the proposed zoning request should be compatible with the existing and proposed surrounding uses, and as such, Staff recommends approval of the request. Ms. Sheffield stated that an associated voluntary annexation request (21-0005A) will be considered by City Council at the June 1, 2021 meeting. She offered to answer questions. Vice-Chairman Mantzey wanted to verify that the subject property was not in the city limits at this time. Ms. Sheffield stated that was correct. Vice-Chairman Mantzey asked if the standard procedure was for the applicant to present a zoning request prior to the annexation request is approved by City Council. Ms. Sheffield stated that was correct. Mr. Lance Hanna, 2511 Grandview, Richardson, TX, 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 Alternate Commission Member Wattley, the Commission unanimously voted to close the public hearing and recommend approval per Staff's

recommendation, 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 June 1, 2021.

21-0040Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "SF 5" - Single Family Residential District to "PD" - Planned Development District, to Allow for Multi-Family Residential, Single Family Residential and Commercial Uses and to Modify the Development Standards, Located on the North Side of FM 1461 and Approximately 5,500 Feet East of FM 2478. Ms. Kaitlin Gibbon Sheffield, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that the current zoning on the subject property permits single family residential uses on Tract 1, single family residential uses with a townhome style on Tract 2, single family or independent living facility on Tract 3, and office uses on Tract 4. Ms. Sheffield stated that the applicant provided a zoning exhibit which divides the property into four districts. She stated that it shows Track 1 for single family residential uses (detached), Tract 2 for commercial uses, Tract 3 for single family residential townhome uses (attached), and Tract 4 for multi-family residential uses. Ms. Sheffield stated that Staff is supportive of the proposed uses on tracts 1, 2, and 3. She stated that Staff is not supportive of the proposed use of multi-family on Tract 4, as it does not align with the Suburban Living placetype as designated by the Comprehensive Plan for this tract. Ms. Sheffield stated that while uses not in strict conformance with the Comprehensive Plan may still be considered appropriate in some locations, this property is situated in an area that is largely undeveloped and largely designated for single family residential uses. She stated that Staff fears that the introduction of multi-family uses on Tract 4 reduces the City's opportunity to realize the vision for this area as part of the ONE McKinney 2040 Comprehensive Plan.

Ms. Sheffield stated that Staff recommends denial of the proposed rezoning request. She stated that the applicant notified Staff just prior to the meeting that they wish to amend the proposed development regulations to remove some permitted uses in Tract 2. Ms. Sheffield stated that the applicant requested to remove the following permitted uses from Tract 2: dormitories, discount stores, furniture stores, household appliance stores, halfway house, indoor and outdoor amusement center, temporary circus or carnivals, commercial parking lot, bait shop, and wholesale bakeries. She offered to answer questions. Vice-Chairman Mantzey asked if the subject property was located within the McKinney's city limits and was surrounded by the "ETJ" – Extraterritorial Jurisdiction. Ms. Sheffield stated that the subject property is located within the city limits. She stated that the surrounding areas are all outside of the city limits. Vice-Chairman Mantzey asked if the City had limited control of what could be developed within the "ETJ" – Extraterritorial Jurisdiction. Ms. Sheffield stated that the City has control and authority over the zoning of properties within the city limits and their adopted zoning district. She stated that the City does not have the use control over properties within the "ETJ" – Extraterritorial Jurisdiction. Mr. Bob Roeder; Abernathy, Roeder, Boyd, & Hullett, P.C., 1700 Redbud Boulevard, McKinney, TX, explained the proposed rezoning request. He stated that the property owner had the majority of the subject property annexed in 2014 due to the property owner feeling this was where the City was going to grow. Mr. Roeder stated that property located in the "ETJ" – Extraterritorial Jurisdiction is not subject to City taxes. He stated that the property owner had paid his share of taxes for the past 17 years. Mr. Roeder stated that the current PD" – Planned Development District on the property allows more than 43 acres of independent living uses. He stated that while they do not have good regulations in the code for what independent living is. Mr. Roeder thought that would allow 24 units

per acre and the maximum height could be four stories. He estimated that would allow over 1,000 independent living units to be developed on the property. Mr. Roeder stated that food and transportation services would also need to be provided. He stated that to change it from independent living to multi-family was not much of a stretch. Mr. Roeder stated that there would already be a significant density out there. He stated that they were proposing 750 multi-family units, so that would be a significant reduction in the density. Mr. Roeder stated that they put in some standards for the multi-family, which he did not feel that Staff would disagree with them. He stated that they asked for 28 units per acre density to consolidate the multi-family area within the 38 acres. Mr. Roeder stated that the balance of that could be developed for townhome uses, which is a lesser included use under the "MF-3" – Multiple Family Residential – Medium-High Density District. He recognized that the Comprehensive Plan does not call for much density in this area. Mr. Roeder stated that there is not multi-family in the Northridge District of the City. He stated that the subject property is located on what will be a major thoroughfare. Mr. Roeder stated that over time you will see the need for a mixture of housing types in this area as seen throughout the City. He requested a favorable recommendation and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Mr. John Mahar, 4995 FM 1461, McKinney, TX, spoke in opposition to the "C2" – Local Commercial District portion of the proposed rezoning request. He stated that their entrance gate to their property would be located directly across the road from this use. Mr. Mahar stated that this could be a commercial feel to the area and destroy or at least infringe on the serene neighborhood. He expressed concerns regarding bright lights, noise, heavy traffic, and possibly undesirable tenants. Mr. Mahar stated that the applicant recently agreed to remove some uses from the "C2" – Local Commercial District request.

He stated that he did not feel this was the right place for some of the proposed uses. Mr. Mahar stated that he did not see the need for the rezoning at this time. He stated that there will be major retail located at nearby intersections. Mr. Mahar requested that the "C2" – Local Commercial District be deleted entirely from the proposed rezoning request or reduce it to a more restrictive "C1" – Commercial Neighborhood District. He stated that he understands that change and progress are coming. Mr. Mahar stated that he did not have objections to the Stover Creek Development; except for the more than seven acres of commercial zoning. He stated that they purchased their family property in 1982 and invested heavily in the buildings and grounds. Mr. Mahar stated that they did not purchase their property for speculation or development. He requested that we try to keep the neighborhood atmosphere there as much as possible. On a motion by Commission Member McCall, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Doak asked if the proposed rezoning request would allow multi-family or single-family residential uses. Mr. Roeder stated that it could go either direction. He stated that under the current zoning ordinance there is a definition for independent living. Ms. Sheffield stated that independent living would be permitted in the current zoning ordinance for the "MF-3" - Multiple Family Residential – Medium-High Density District. Commission Member Doak asked why they were proposed to development "C2" – Local Commercial District at the proposed location. Mr. Roeder stated that they see it as neighborhood commercial. He stated that the subject property overall was approximately 461 acres. Mr. Roeder stated that the majority of the subject property would be developed as single family residential, with an average density of five units to the acre. He stated that the proposed commercial uses would be at the entrance of a very large single-family

development and adjacent to a major thoroughfare. Vice-Chairman Mantzey asked what uses would require a "SUP" – Special Use Permit within the proposed "C2" – Local Commercial District. Ms. Sheffield stated that some of the more notable uses allowed within "C2" – Local Commercial District that would request a "SUP" – Special Use Permit were carwash, garage/auto repair, service station, mini-warehouse, hotels, pet stores and veterinarian uses with outdoor runs, and drive-in services. Chairman Cox asked Staff to read the list of uses to be excluded in the "C2" – Local Commercial District. Ms. Sheffield stated that dormitories, discount stores, furniture stores, household appliance stores, halfway house, indoor and outdoor amusement center, temporary circus or carnivals, commercial parking lot, bait shop, and wholesale bakeries. Vice-Chairman Mantzey stated that he did not have any issues with the request due to the width of the future thoroughfare, proposed exclusions within the "C2" – Local Commercial District, and requirement for "SUP" – Special Use Permits. He stated that he understood Staff's position with the "MF-3" – Multiple Family Residential – Medium-High Density District in regards to the Comprehensive Plan. Commission Member Kuykendall stated that she read the very thorough Staff report and supports Staff's recommendation for denial. Commission Member McCall stated that he did not have a problem with the request. He stated that this was the first major development proposed for this area. Commission Member McCall stated that there would not be any existing single-family located next to the proposed multi-family development. He stated that there would be a major thoroughfare going through that area and there is no multi-family development in this area. Commission Member Doak stated that he was in support of the request. He stated that the "MF-3" – Multiple Family Residential – Medium-High Density District was less than 10% of the overall subject property. He stated that this was a perfect location with the major thoroughfare going there.

Commission Member Doak felt the proposed layout would be very good for this area. Commission Member Taylor stated he was in support of the request due to the reduction from approximately 1,000 independent living four-story units currently allow down to the proposed 750 multi-family three-story units. He felt that the proposed commercial development is appropriate on a thoroughfare this size. Chairman Cox stated that he was in support of the request due to the restrictions on the "C2" – Local Commercial District with a "SUP" –Special Use Permit being required on certain uses and the uses being removed from the request. Alternate Commission Member Wattley stated that a "SUP" – Special Use Permit would be required for a gas station to be permitted on the property. On a motion by Commission Member McCall, seconded by Commission Member Doak, the Commission voted to recommend approval of the proposed rezoning request as requested by the applicant, with a vote of 6-1-0. Commission Member Kuykendall 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 June 1, 2021.

21-0051Z 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 "C2" - Local Commercial District, Located on the Northeast Corner of Collin McKinney Parkway and Alma Road. Mr. Joe Moss, Planner for the City of McKinney, explained the proposed rezoning request. He briefly discussed the surrounding uses. Mr. Moss stated that the applicant is requesting to rezone approximately 4.25 acres to the "C2" – Local Commercial District. He stated that it would be consistent with other hard corners in the area. Mr. Moss stated that given the subject property is located on the hard corner of two arterials, Staff recommends approval of the proposed request. He offered to answer questions. Vice-

Chairman Mantzey asked about the current allowable uses on the property. Mr. Moss stated that the current zoning is a "PD" – Planned Development District that allows for "BN" – Neighborhood Business District commercial uses and additional residential uses. Vice-Chairman Mantzey asked what the biggest differences were between the "BN" – Neighborhood Business District and requested "C2" – Local Commercial District. Mr. Moss stated that "BN" – Neighborhood Business District is a legacy district that is similar to the "C1" – Commercial Neighborhood District. He stated that "C2" – Local Commercial District is a mid-level intensity district. Mr. Moss stated that "BN" – Neighborhood Business District is a smaller, local neighborhood district. He gave some examples of the differences. Vice-Chairman Mantzey expressed concerns having "C2" – Local Commercial District located next to single family residential. He asked if someone were to purchase a house near the subject property if they should look at the current zoning or know that they are near major roads, so the zoning could change in the future. Mr. Moss stated that any zoning district could change over time. He stated that Staff looked at the residential proximity and the screening requirements between commercial and residential uses. Mr. Moss stated that there is an existing masonry screening wall along the residential uses. He stated that there is a minimum landscape buffer with canopy tree requirement as well. Mr. Moss stated that Staff felt that "C2" – Local Commercial District was appropriate with the nearby residential uses. He stated that you could see examples on various hard corners throughout the City. Mr. Jonathan Hake, Cross Engineering, 1720 W. Virginia Street, McKinney, TX, explained the proposed rezoning request. He stated that they were requesting to rezone from "PD" – Planned Development District to "C2" – Local Commercial District mainly to allow for drive-through uses. Mr. Hake stated that they were planning on having a retail strip center with an endcap drive-through on approximately two acres of

the subject property. He offered to answer questions. There were none. Ms. Patty Bender, Vista Equities Group, Inc., 1117 Eldridge Parkway, Houston, TX, explained the proposed rezoning request. She stated that they had developed approximately 65 of similar smaller shopping centers throughout Texas. Ms. Bender stated that due to COVID it is apparent that some restaurants need to have walkup windows and/or drive-throughs to support the neighborhood. She requested approval of the proposed rezoning request 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 Vice-Chairman Mantzey, seconded by Alternate Commission Member Wattley, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey stated that he opposes the proposed rezoning request due to having drive-throughs abutting single family residential properties. He expressed concerns about the extended hours of operation for some restaurants or donut shops. Commission Member McCall stated that he did not have an issue with the proposed rezoning request just because of the traffic count on Collin McKinney Parkway and Alma Road. He stated that the subject property was on a busy intersection. Commission Member McCall stated that he was not a big fan of commercial backing up to single family residential either. He questioned what else had been proposed on the site. Chairman Cox stated that he was in support of the proposed rezoning request. He felt that proposed zoning would be appropriate in this location. Chairman Cox stated that some of Vice-Chairman Mantzey's concerns could be addressed during the site plan phase. He stated that Vice-Chairman Mantzey made a good point that we need to be aware of single family next to uses that may or may not be compatible due to lighting, traffic, and noise issues. On a motion by Commission Member McCall, seconded by Commission Member Kuykendall, the Commission voted

to recommend approval of the proposed rezoning request as requested by the applicant, with a vote of 6-1-0. Vice-Chairman Mantzey 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 June 1, 2021.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

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

Chairman Cox called for Commission and Staff Comments. Vice-Chairman Mantzey introduced Thomas Young, student at the Imagine International Academy of North Texas. He thanked Planning Staff for showing him around and giving him a lesson today. Vice-Chairman Cox stated that it is nice to see a young person take interest in the long-term sustainability of McKinney and other towns as a possible career. Chairman Cox thanked Mr. Young for attending the meeting.

On a motion by Commission Member McCall, seconded by Vice-Chairman Mantzey, 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 6:57 p.m.

BILL COX
Chairman