

Planning and Zoning Commission Meeting Minutes of August 22, 2017:

17-200Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District Located on the North Side of U.S. Highway 380 (University Drive) and on the East and West Sides of Walnut Grove Road

Ms. Melissa Spriegel, Planner for the City of McKinney, distributed a letter of opposition to the request before explaining the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 7.78 acres of land, generally for commercial uses. Ms. Spriegel stated that the proposed request is to rezone four lots, each approximately 1.9 acres, from "AG" – Agricultural District and "CC" – Corridor Commercial Overlay District to "C2" – Local Commercial District and "CC" Corridor Commercial Overlay District. She stated that the properties to the west and south are zoned for similar commercial uses, which is appropriate given the adjacency to a major regional highway (U.S. Highway 380). Ms. Spriegel stated that the subject property falls within the bounds of the Northwest Sector Study, which specifically notes that depths of 750 to 1,000 feet should be preserved for non-residential development along U.S. Highway 380 (University Drive). She stated that this allows for a buffer between the residential developments and the major right-of-way. She stated that given the growing development along the major regional highway and increase of non-residential uses in the area, it is Staff's professional opinion that the rezoning request is appropriate for the subject property and will help to develop this portion of the highway for regional

commercial uses. Ms. Spriegel stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Chairman Cox asked Staff to briefly discuss the Northwest Sector Study. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that the study looked at the area north of U.S. Highway 380 (University Drive) and generally west of U.S. Highway 75 (Central Expressway). She stated that a lot of this area was undeveloped. Ms. Pickett stated that the study was looking at the potential for development prior to the City actually growing in this area. She stated that the study shows how we would like to see this area of the City develop in the future.

Mr. Ryan McIntosh, Trinity Partners Commercial Real Estate, 450 N. Kimball Ave., Southlake, TX, stated that they specialize in retail development. He stated that the subject property is just under eight acres. Mr. McIntosh stated that they feel with the increasing development of the U.S. Highway 380 Corridor in both McKinney and Prosper, that this area was well suited for commercial/retail development. He stated that the other corners of the U.S. Highway 380 (University Drive) and Custer Road intersection were already developed for commercial uses. Mr. McIntosh stated that Lowe's and Kroger were located on the northwest corner of U.S. Highway 380 (University Drive) and Custer Road. He stated that Walmart was located on the southwest corner of the intersection. Mr. McIntosh stated that the southeast corner was zoned "PD" – Planned Development District with a larger commercial development planned. He stated that west of the subject property there were commercial businesses in place. Mr. McIntosh stated that at this time only Jason's Deli had already committed to be a tenant in the proposed development. He stated that they wanted to get the necessary zoning in place prior to going to market to

obtain tenants for the development. Mr. McIntosh stated that they were confident that the demand for retail and restaurant in this area will be high. He stated that in the Northwest Sector Study, it is stated that this area should support commercial growth along the U.S. Highway 380 corridor. Mr. McIntosh stated that the proposed development would be a nice buffer between the residents to the north, U.S. Highway 380 traffic, and the other commercial developments in the area. He stated that the subject property had deed restrictions that only permitted single family residential uses. Mr. McIntosh stated that they spent the majority of the past six months working with the Walnut Grove subdivision to come up with a plan for development that they could agree upon and obtain the necessary votes to revise the deed restrictions. He stated that they had various meetings with the residents and had called all of the residents to discuss the project. Mr. McIntosh briefly discussed the agreement with the Walnut Grove subdivision. He stated that they committed to have an intense landscape presence at this project. Mr. McIntosh stated that approximately 15 feet south of the northern property line they plan to construct a 6-foot tall masonry screening wall on top of a 2-foot 4-inch earthen berm for a total height of 8 feet 4 inches. He stated that on the north side of the screening wall they plan to plant evergreen cedar trees, a minimum of 12 feet in height at time of planting and spaced 20 feet apart. Mr. McIntosh stated that on the south side of the masonry screening wall they plan to plant evergreen cedar trees, a minimum of 12 feet in height at time of planting and spaced 20 feet apart, in two rows, staggered, to create a thick screening presence. He stated that they have a planned storm water detention area on the site that will also be screened with additional landscaping. Mr. McIntosh stated that they also plan to provide excess screening on County Road 852. He stated that they plan to widen County Road

852 to a three lane to meet the City's code with two lanes of egress onto U.S. Highway 380 (University Drive) and one lane of ingress into the subdivision. Mr. McIntosh stated that they also agreed to create a subdivision entrance on the edges of the screening wall that front County Roads 852 and 856. He stated that they agreed not to construct any building larger than 50,000 square feet and no vertical parking structures. Mr. McIntosh stated that there would be a maintenance agreement stating that the property owners would be responsible for maintaining their property and a joint maintenance agreement to ensure all of the landscaping is maintained. He stated that there would also be an irrigation system installed for the landscaping. Mr. McIntosh stated that there would be a 30-foot wide landscaping buffer abutting the masonry screening wall and berm located along the northern property line. He stated that they also agreed to implement some use restrictions on the property that would otherwise be allowed in the "C2" – Local Commercial District. Mr. McIntosh stated that the property could not be used for any kind of automotive repair shop, car wash, tire shop, hotel or motel, funeral home or mortuary, halfway house, pet store, veterinary with outside runs, bus station, fuel center or gas station, radio/television broadcast studio, mini-warehouses, commercial amusement center, or theater. He stated that they tried to appease as many residents in the surrounding neighborhood as possible. Mr. McIntosh stated that 32 out of 45 homeowners in Walnut Grove neighborhood signed the document, which was filed at the County. He offered to answer questions.

Commission Member Smith stated that it sounded like they made a considerable effort to get citizen input and incorporated it into their plan. She asked if there were any items that were of concern to the citizens that they were not able to incorporate in the

plan. Mr. McIntosh stated that almost everything they asked for they accommodated. He stated that there could have been requests that they were not able to accommodate due to being against City regulations. For example: Building a taller screening wall.

Chairman Cox opened the public hearing and called for comments.

Mr. Matt McDonald, 2124 County Road 852, McKinney, TX, stated that he lived at his home for 15 years. He stated that he lived adjacent to three of the properties being considered for rezoning. Mr. McDonald stated that he was opposed to the proposed rezoning request due to the intensity of the business activity that would be allowed under the "C2" – Local Commercial District. He stated that his house was built 45 years ago. Mr. McDonald stated that Walnut Grove was a well-established residential neighborhood. He briefly stated that the McKinney Zoning Ordinance stated that "C2" – Local Commercial District was to provide for medium intensity commercial uses which are typically located near where arterial roads intersect with other arterial roads. Mr. McDonald stated that the subject property was not located at an intersection of two arterial roads. He stated that it was at the intersection of U.S. Highway 380 (University Drive) and County Road 852 (Walnut Grove Road). Mr. McDonald stated that County Road 852 was barely wide enough for two cars to pass on it. He stated that there was no center line or storm drains. Mr. McDonald stated that County Road 852 was lined with residential driveways. He did not feel that County Road 852 met the definition of an arterial road as listed in the Zoning Ordinance. Mr. McDonald stated that with the established residential development he did not feel that "C2" – Local Commercial District should be allowed at this location. He stated that he was opposed to any business that would allow an outdoor speaker or ringer. Mr. McDonald stated that drive-thru windows typically come with

extended hours of operation. He expressed concerns about increased noise, high traffic, and a large parking lot near his property, which he felt was unreasonable. Mr. McDonald asked that the proposed rezoning request be denied and offered to answer questions.

Chairman Cox asked for clarification on the location on Mr. McDonald's property compared to the subject property. Mr. McDonald stated that he fronted County Road 852. Chairman Cox asked if he was in Walnut Grove 1 or 2. Mr. McDonald stated that he was in Walnut Grove 1. He stated that his property extended the full length of the subject property.

The following four residents spoke in favor of the proposed rezoning request.

Mr. Mark Underwood, 7105 Round Hill Road, McKinney, TX, stated that his wife grew up in the Walnut Grove subdivision and still owns land there. He stated that the applicant for the proposed rezoning request had worked with the property owners to accommodate their requests. Mr. Underwood stated that they felt this was the best opportunity for a win-win situation for as many of the people being affected as possible. He requested that the proposed rezoning request be approved.

Ms. Cynthia Underwood, 7105 Round Hill Road, McKinney, TX, stated that she was in favor of the deed restrictions that were lifted. She stated that she would like to see the proposed commercial development on her land.

Ms. Lisa Walker Schaded, 5536 Caladium, Dallas, TX, stated that she was also in favor of commercial development on the subject property.

Mr. Harvey Graham, 2485 County Road 852, McKinney, TX, stated that he had been working with the developers for almost a year now. He stated that this was about the fourth developer that had looked at developing the property in the past several years.

Mr. Graham stated that they would have preferred “C1” - Neighborhood Commercial District; however, ended up accepting the “C2” – Local Commercial District with the removal of certain uses. He stated that there were several points that they were not able to get resolved. Mr. Graham stated that over 60 percent of the residents approved the changes to the deed restrictions for the subject property. He stated that the developer had worked with their request for a berm and trees for a nice buffer. Mr. Graham stated that out of the four previous developers, this group had addressed more of the residential property owners’ concerns. He stated that it had not been an easy negotiation back and forth with the developers and there were concessions on both sides. Mr. Graham stated that he supports the proposed rezoning request and he felt that over 60 percent of the Walnut Grove property owners also support it. He stated that the changes to the deed restrictions did not only affect these lots, but also the other lots nearby. Mr. Graham stated that they would have preferred to have seen residential development in this area; however, knew that was probably not going to happen on a busy highway. He stated that they decided to work with the developer to have some influence on the development, instead of just fighting them on it. Mr. Graham offered to answer questions. There were none.

The following three residents turned in speaker cards in favor of the request; however, did not wish to speak during the meeting.

- Barbara Brackeen, 2363 County Road 856, McKinney, TX
- Craig Reavis, 2159 County Road 852, McKinney, TX
- Whitney Wysong, 2256 County Road 856, McKinney, TX

On a motion by Vice-Chairman Zepp, seconded by Commission Member Smith, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Vice-Chairman Zepp asked Mr. McIntosh to address Mr. McDonald's concerns regarding a possible drive-thru business with outside speakers and late hours of operation at the site. Mr. McIntosh stated that he felt that technology has gotten to the point where speaker boxes are not very loud. He stated that there would be an approximate 80-foot buffer from the property line to where any paving or development starts. Mr. McIntosh stated that he felt the screening wall and the three rows of 12-foot evergreen cedar trees will help block noise from their project and noise from U.S. Highway 380 (University Drive). He stated that you can currently see a lot of these houses from U.S. Highway 380 (University Drive) and hear the highway traffic from the houses. Mr. McIntosh stated that what they plan should eliminate some of that noise.

Vice-Chairman Zepp asked how they intend to address any lighting issues that might shine on the other adjacent properties. Mr. McIntosh stated that they would follow the City's lighting ordinance.

Vice-Chairman Zepp asked what type of late hour uses might go in this development. Mr. McDonald stated that he could not say for sure. He stated that it was possible for a fast-food restaurant to go in that had late night hours.

Vice-Chairman Zepp asked if he might be willing to exclude a 24-hour fast food restaurant use from the development. Mr. McDonald stated no.

Chairman Cox asked Staff if a Specific Use Permit (SUP) would be required for a fast food restaurant use on the property and if it would require the Planning and Zoning

Commission's approval. Ms. Spriegel stated that a restaurant with drive-thru window did not require a Specific Use Permit (SUP) in the "C2" – Local Commercial District.

Commission Member Cobbel asked about what the Comprehensive Plan showed for this area. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that it reflects the use that was on the ground when the update was completed and not necessarily what you would see as proposed in the rest of the Comprehensive Plan.

Commission Member Kuykendall stated that she appreciated the developer working with the citizens.

Commission Member Smith stated that in this scenario she liked to hear that the applicant had made considerable effort to work with the neighboring community to address their concerns. She stated that it sounded like they had come to a consensus on various items. Commission Member Smith stated that it was reasonable to expect that property fronting U.S. Highway 380 (University Drive) would develop as commercial. She stated that with a neighboring residential community, especially like Walnut Grove, she expected to see the buffering enhancement that have been incorporated here. Commission Member Smith stated that it was good that the citizens had held out to work with each potential applicant wanting to develop this property to come up with something that the majority was comfortable with.

Vice-Chairman Zepp stated that as U.S. Highway 380 (University Drive) increases in intensity the proposed buffer will act to mitigate sound from the highway that they are probably already getting.

On a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to 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 September 19, 2017.