

PLANNING AND ZONING COMMISSION

JUNE 23, 2015

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, June 23, 2015 at 6:00 p.m.

City Council Present: Mayor Pro-Tem Travis Ussery and Chuck Branch

Commission Members Present: Chairman Rick Franklin, Jim Gilmore, Deanna Kuykendall, Dick Stevens, Eric Zepp, and Cameron McCall - Alternate

Commission Members Absent: Vice-Chairman Matt Hilton and Mark McReynolds

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Manager Matt Robinson, Planner II Samantha Pickett, Planners Eleana Galicia and Aaron Bloxham, and Administrative Assistant Terri Ramey

There were over sixty guests present.

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

Chairperson Franklin explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be only heard by the Planning and Zoning Commission and others would be forwarded on to City Council. Chairperson Franklin stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. He stated that guests would need to limit their remarks to three minutes and speak only once. Chairperson Franklin explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking the issues.

Chairman Franklin continued the meeting with the Consent Item.

The Commission unanimously approved the motion by Commission Member Gilmore, seconded by Alternate Commission Member McCall, to approve the following Consent item with a vote of 6-0-0.

**15-615 Minutes of the Planning and Zoning Commission
Regular Meeting of June 9, 2015**

END OF CONSENT

Chairman Franklin continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

15-113Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District, "RS 60" - Single Family Residence District, and "PD" - Planned Development District to "PD" - Planned Development District, Generally for Single Family Residential Uses, Located Approximately 250 Feet East of Graves Street and on the South Side of Rockhill Road (REQUEST TO BE TABLED)

Ms. Samantha Pickett, Planner II for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely per the applicant's request. She stated that Staff would re-notice prior to an upcoming Planning and Zoning Commission meeting.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member Zepp, the Commission voted unanimously to close the public hearing and table the proposed rezoning request indefinitely as recommended by Staff, with a vote of 6-0-0.

15-140MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 1R and 2R, Block A, of the Ragsdale Addition, Located on the Northeast Corner of Sorrell Road and Sorrell Circle (REQUEST TO BE TABLED)

Ms. Eleana Galicia, Planner for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely due to a staff noticing error. She stated that Staff would re-notice prior to an upcoming Planning and Zoning Commission meeting.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Kuykendall, the Commission voted unanimously to close the public hearing

and table the proposed minor replat request indefinitely as recommended by Staff, with a vote of 6-0-0.

15-123FR Conduct a Public Hearing to Consider/Discuss/Act on a Facade Plan appeal for Mercedes-Benz Dealership, Located on the Southeast Corner of Bray Central Drive and U.S. Highway 75 (North Central Expressway) (REQUEST TO BE TABLED)

Ms. Eleana Galicia, Planner I for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled to the July 14, 2015 Planning and Zoning Commission meeting per the applicant's request.

Commission Member Stevens opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member Zepp, the Commission unanimously voted to continue the public hearing and table the proposed facade plan request to the July 14, 2015 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 6-0-0.

15-099Z2 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 "SF7.2" - Single Family Residential District and "CC" - Corridor Commercial Overlay District, Located on the South Side of U.S. Highway 380 (University Drive) and on the West Side of Gray Branch Road

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request. She stated no modifications had been made to this request since it was last presented; however, the applicant had provided an informational only layout showing potential access to the property. Ms. Pickett stated that Staff had not fully reviewed the informational only layout that was submitted. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Ralph Bush, 206 E. Shirt St., Franklin, TX, explained the proposed rezoning request. He stated that the request was tabled at the last meeting to allow time to discuss the proposed plans for the property with the surrounding residents. Mr. Bush stated that he gave his personal cell phone number and e-mail address to the residents present at that meeting. He stated that he received one e-mail from their attorney requesting information. Mr. Bush stated that he submitted the most recent information to him for review. He offered to answer questions.

Commission Member Gilmore asked why they wanted to wait until they were 90% sold out before making improvements to Gray Branch Road and the bridge over Wilson Creek per the attached memorandum from Raphael Brooks that was included in the Staff report. Mr. Bush stated that was incorrect and that they would be working with Staff to determine the timing on constructing the roads and bridge improvements.

Chairman Franklin opened the public hearing and called for comments. He stated that the following people turned in speaker cards in opposition to this request; however, did not wish to speak during the meeting.

- Cindy Bock-Keisman, 2006 Cross Point Rd., McKinney, TX
- Caliway Buchanan, 900 Gray Branch Rd., McKinney, TX
- Sharon Weltner, 2825 St. John's Dr., McKinney, TX
- Matthew Barrows, 1075 Gray Branch Rd., McKinney, TX

Chairman Franklin announced that he would call the name of each person who had turned in a speaker card so that they could come up to speak on this item. The following people spoke in opposition to this rezoning request.

Mr. Bruce Lane, Jr., 1201 N. Gray Branch Rd., McKinney, TX, stated that he and his wife purchased their property in 2008 and he briefly discussed the value on his property. Mr. Lane stated that he was told that 40 acres of this property was in the floodplain; however, recently he heard it was in the floodway. He briefly discussed the various expenses associated with this development which he felt made it economically unfeasible. Mr. Lane stated that Gray Branch Road was recently closed for four days due to flooding conditions. He stated that this was the fourth time that water had gone over the bridge since 2008.

Mr. Michael Buchanan, 900 Gray Branch Rd., McKinney, TX, explained that he researched into why the subject property was designated for high-density residential uses. Mr. Buchanan stated that the City of McKinney Master Plan that pertains to the area was about 25 years old. He stated that in 1990 the Comprehensive Plan showed Future Ridge Road as consuming Gray Branch Road, which would make it a major arterial. Mr. Buchanan stated that the subject property was designated as future commercial uses at that time. He stated that Future Ridge Road had been shifted off to the side in the 2004 Comprehensive Plan. Mr. Buchanan stated that the Gray Branch

Road area was then designated for high-density residential uses instead of commercial. He stated that was done for something that never happened. Mr. Buchanan stated that all but one of the current homes was built on two plus acre properties during this time. He stated that developing a subdivision on Gray Branch Road would devastate them. Mr. Buchanan expressed concerns about their property values and widening Gray Branch Road would mean taking out the trees along the road. He felt that the road had developed as it should. Mr. Buchanan stated that he would like to see the property rezoned for residential with lot sizes of two acres or more. He requested that the Commission reject the proposed rezoning request.

Ms. Shelley Mead, 1232 Gray Branch Rd., McKinney, TX, stated that they also owned the property at 1244 Gray Branch Rd., which was about 15 acres with a house and barn on it. She stated that their barn would be directly across from the subject property. Ms. Mead stated that people moved to this area for specific reasons. She stated that they were looking for a simpler way of life, scenic surroundings, safety, and a decreased crime rate. Ms. Mead felt that all of these reasons would be at risk if the proposed residential development was built on the subject property.

Dr. Jennifer Buchanan, 900 Gray Branch Rd., McKinney, TX, stated that she would like to see Gray Branch Road saved and that she felt it was a McKinney landmark. Dr. Buchanan stated that over 1,000 names had been collected in a petition against the rezoning request. She read some of the comments from the petitioners expressing concerns about removing trees, reducing the visual appeal, and nature being destroyed. They felt that were other areas in McKinney more appropriate for a residential subdivision like what was being proposed on the subject property. Dr. Buchanan asked for the audience members to stand that we in opposition to the rezoning request. A large majority of the audience stood up.

Ms. Ella DiMarco, 7101 Virginia Pkwy., McKinney, TX, stated that she had lived in McKinney for about eight years. She stated that she drives down Gray Branch Road on the way to and from work. Ms. DiMarco stated that it had a calming effect and was like a piece of heaven. She stated that it was a beautiful spot in McKinney and asked if we realize what we have here. Ms. DiMarco stated that she and her grandson did not

want to see it destroyed. She asked that we not be all about the money, but be about the human aspect of what McKinney is.

Mr. Brent Keisman, 2006 Cross Point Rd., McKinney, TX, stated that Gray Branch Road was a road to drive down to relax. He stated that he was a Civil Engineer. Mr. Keisman stated that he could not see that this development would be cost efficient with all of the required land, road, intersection, and bridge improvements. He stated that it was a crazy idea to tear up Gray Branch Road.

Mr. Steven Spainhouer, 2801 Palo Duro Canyon, McKinney, TX, joked about the amount of people that showed up to this meeting in opposition to the request and the number of people who signed the petition being more than voted in the last election. He acknowledged the City Council Members present at the meeting. Mr. Spainhouer stated that he liked the growth of McKinney; however, he felt that we need to protect this asset of McKinney. He was in agreement with Mr. Buchanan with having the property rezoned to allow for two or more acre residential lots. Mr. Spainhouer expressed concerns regarding building a residential development in the flood zone on the subject property. He stated that we need to consider any future zoning that would have an impact on Wilson Creek and downstream neighborhoods, including Town Lake Park. Mr. Spainhouer stated that this was not the right place or time to build a residential subdivision on the subject property.

Ms. Shelley Schraegle, 405 Gershwin Way, McKinney, TX, asked that the Commission think long and hard about the comments made tonight regarding the rezoning request. She stated that she had lived in McKinney for about 12 years. Ms. Schraegle stated that she lived in the Symphony at Stonebridge and works in Richardson, TX. She stated that Unique by Nature was a tired phase and did not hold a lot of meaning in her opinion. Ms. Schraegle briefly discussed some of the development that she was seeing going up in McKinney. She stated that she was in the real estate profession and represents developers and builders. Ms. Schraegle stated that she believes in development and the economy; however, she also believed in balance. She briefly discussed preservation of open space and conservation efforts.

Mr. Ray Ricchi, 1408 Lakewood Dr., McKinney, TX, briefly discussed the Future Land Use Plan (FLUP) and how plans change. He stated that Future Ridge Road was

changed to not encompassing Gray Branch Road due to McClure Elementary School being built and the need for a road to be located elsewhere. Mr. Ricchi stated that he was a firm believer in property owner's rights; however, that also included the surrounding properties. He stated that it also included Gray Branch Road, which had a lot of old pecan, oak, and heritage trees. Mr. Ricchi stated that the canopy of trees over the road was very rare. He questioned if the proposed subdivision on the subject property would be complimentary to the surrounding area. Mr. Ricchi stated that two and a half acre home sites were what the road and surrounding properties should have. He stated that what could be done was not always what should be done. Mr. Ricchi requested that the Commission not allow this type of density built on Gray Branch Road and in that area of McKinney. He stated that what was developed needed to be complimentary to the surrounding area.

Mr. Jeff Blackard, 401 Adriatica Pkwy., McKinney, TX, stated that Gray Branch Road was a very special road in McKinney and something very special needs to be built there. He stated that McKinney had very few special places left for high end residential development and that this was one of those locations. Mr. Blackard stated that as a developer, he had looked at this property before. He stated that this property does not need 150 residential lots. Mr. Blackard stated that he did not want to speak for or against the rezoning request; however, wanted to say that this property was a very special piece of real estate.

Mr. Robert Miller, Prager & Miller, PC, 14911 Quorum Dr., Dallas, TX, discussed some of the surrounding property owners that he represented and the acreage of their properties. He stated that he asked a Dallas Real Estate Agent if he had heard of Gray Branch Road in McKinney, TX. Mr. Miller stated that the Agent told him it was a great neighborhood and that it was a really special place. Mr. Miller stated that "SF7.2" – Single Family Residential District was not compatible with the surrounding large residential lots that have been developed. He stated that the more appropriate zoning designation would be "RED-2" – Residential Estates District (minimum lot size of two acres), so that it would be more compatible with the surrounding properties. Mr. Miller stated that the zoning on the property should not be determined by how much money the landowner could profit; however, should be considered by what was a good use for

the property at this time. He stated that having 7,200 square foot single family residential lots on the subject property was not an appropriate use. Mr. Miller requested that the proposed rezoning request be denied. He stated that the surrounding neighbors would most likely be in support of rezoning the property to "RED-2" - Residential Estates District (minimum lot size of two acres).

On a motion by Commission Member Stevens, seconded by Commission Member Gilmore, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Commission Member Zepp asked about the access issues for the subject property. Mr. Michael Quint, Director of Planning for the City of McKinney, stated from a Staff perspective that we need to focus our attention on the land use being considered. He stated that access to the property should not be ignored; however, access could come from a variety of different ways and gave various examples. Mr. Quint stated that at some point it could become cost prohibitive when you need to acquire easements, right-of-way, construct roads and bridges, et cetera. He stated that these issues had been discussed with the developer. Mr. Quint stated that they had not indicated to Staff that they had any concerns about these issues. He stated Staff felt that the applicant needed to see if they could obtain the requested zoning designation on the property before spending money on looking at the full engineering for the project.

Commission Member Zepp asked if the proposed rezoning request was approved and the applicant wanted to use Gray Branch Road as an access, if they would be responsible for the cost to widen the road. Mr. Quint said yes and that the developer was responsible for all off-site roadway improvement expenses.

Commission Member Zepp asked if the applicant would be responsible for addressing the floodplain area. Mr. Quint said yes and that it would all be at the developer's expense.

Commission Member Zepp asked about the reality of the applicant receiving access from Ridge Road to the subject property. Mr. Ralph Bush stated that it was their intent to gain access from the northern part of Gray Branch Road, improve the bridge, and connect up with U.S. Highway 380 (University Drive). He stated that would also give the residents access to the proposed park to the east of the subject property. Mr.

Bush stated that it was not their intent to develop Gray Branch Road all the way through the narrower part where most of the surrounding residential residents lived. He stated that they were looking for a different access point to the subject property and gave some examples. Mr. Bush stated that they were discussing helping the City of McKinney with the hike and bike trail that would be part of the park to the east of this subject property.

Commission Member Zepp asked Staff what the City's intention was for Gray Branch Road if the park was built on the City's property on the east side of the road. Mr. Quint stated that he believed that the City's primary access points would be off of Lake Forest Drive. He stated that there could be some special events with secondary access off of Gray Branch Road. Mr. Quint stated that it was his understanding that Gray Branch Road would stay in its current condition; however, he felt that some improvements would need to be made to the road.

Commission Member Zepp asked Staff if they expected to see a significant amount of traffic on Gray Branch Road with the development of a park. Mr. Quint stated that you should not see an increased amount of traffic on most days; however, when special events occurred at the park there could be an increase in traffic on the road. He felt that the access to the park from Gray Branch Road would be blocked off on most days.

Commission Member Gilmore asked again why the applicant wanted to wait until they were 90% sold out before making improvements to Gray Branch Road and the bridge over Wilson Creek per the attached memorandum from Raphael Brooks that was included in the Staff report. Mr. Quint stated that the City of McKinney Engineering Department would most likely require a traffic impact analysis, which would dictate when the roads would need to be improved. He stated that they were speculating that Gray Branch Road would be one of the access points. Mr. Quint stated that there was nothing saying that they could not take both of their access points off of Ridge Road, with no access to Gray Branch Road. Mr. Raphael Brooks, Weston Brooks Development Partners, LLC, 8900 Independence Pkwy., Plano, TX, stated that he made this request; however, the City responded that would not be allowed. He stated that if they chose to use Gray Branch Road as a fire access, the City would require

them to provide secondary access to Gray Branch Road prior to improvements to the bridge and that they would have to improve Gray Branch Road all the way to U.S. Highway 380 (University Drive). Mr. Brooks stated that he would like to purchase the Harris tract to provide access off of Ridge Road and also improve the bridge on Gray Branch Road. He stated that he planned to move into the house there and currently there was no fire access to Gray Branch Road. Mr. Brooks stated that his neighbor earlier stated that the bridge was recently under water. He stated that according to Texas Department of Transportation (TXDOT) 80% of traffic fatalities in the State of Texas were caused by roads under flood level. Mr. Brooks stated that he was offering a buffer zone with the eleven acres that he was keeping. He stated that they had not submitted a plat to determine how many lots would be built on the subject property. Mr. Brooks stated that they had not completed the geotechnical (Geotech) engineering on the property. He stated that they need to verify where the floodplain is located on the property; however, not all of the property was located in the floodway. Mr. Brooks briefly discussed some of his credentials.

Chairman Franklin stated that he did not feel that the proposed density was appropriate in this location. He stated that one to two acre lots would be the way to go out there. Chairman Franklin stated that he was also partial to Gray Branch Road. He stated that if the road was improved to 50', then it would remove all of the trees along it. Chairman Franklin stated that the applicant needed to determine where access would come from and what the density would be on the subject property. Mr. Brooks stated that they were working with Old Castle regarding saving the mature trees and planned to relocate them to an appropriate area.

Commission Member Kuykendall concurred with Chairman Franklin's comments. She stated that there was a lot of community involvement expressing concerns about the project that needed to be taken into account.

Commission Member Gilmore expressed concerns regarding the possible changes to Gray Branch Road. He stated that he did not feel that enough information was known about the proposed project at this time to make a positive recommendation on this rezoning request.

Alternate Commission Member McCall concurred with Commission Member Gilmore's comments. He expressed concerns regarding proposing to build a residential development located in a floodplain area. Mr. Brooks stated that they did not plan to build in a floodplain area.

Alternate Commission Member McCall stated that there were multi-million dollar homes on acreage lots surrounding the subject property. He felt that the property would be better if it was rezoned to acre lots instead of what the applicant was proposing.

Commission Member Zepp stated that Gray Branch Road was a beautiful road and it bothered him that it might change. He stated that the proposed rezoning request was an upzoning from what could be allowed to be built on the property. Commission Member Zepp stated that the Commission had voted previously to increase density that impacted the surrounding property owners. He stated that it was not a secret that this could happen on this property and the Future Land Use Plan designation existed prior to the surrounding property owners moving into their homes. Commission Member Zepp stated that the surrounding property owners had the option to purchase the subject property. He stated that the surrounding property owners could have also lobbied the City to rezone the property a long time ago. Commission Member Zepp stated that they could have done a number of things except wait until there was activity of the property to object to it. He stated that he understood their concerns. Commission Member Zepp stated that he felt that the existing property owner was not doing anything that was not allowed by the Future Land Use Plan (FLUP) on the property. He stated that the property rights of the owner were greater than the rights of the surrounding property owners that just do not want this type of density near them. Commission Member Zepp stated that he felt sympathy for the surrounding property owners and that he would not want it either. He stated that he was concerned about the road situation and that increasing the density in a floodplain area would increase the flow downstream. Commission Member Zepp stated that he felt the City did a poor job at managing those types of issues. He stated that he could not see why the Commission would not recommend approve of this rezoning request.

On a motion by Commission Member Gilmore, seconded by Commission Member Kuykendall, the Commission voted to recommend denial of the rezoning request, with a vote of 5-1-0. Commission Member Zepp voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-136Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "AG" - Agricultural District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally for Commercial and Single Family Attached and Detached Residential Uses, Located Approximately 600 Feet West of Custer Road and on the South Side of U.S. Highway 380 (University Drive)

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that a letter of opposition had been distributed to the Commission prior to the meeting. Ms. Pickett stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the Staff report and offered to answer questions.

Alternate Commission Member McCall asked about the southern section of the property where no residential structures would be allowed to be built. Ms. Pickett stated that area was approximately two and a half acres and was located adjacent to the airport runway.

Alternate Commission Member McCall asked if the applicant was in agreement with not constructing residential buildings in this area. Ms. Pickett said yes.

Commission Member Stevens asked about a comment from a nearby property owner that had concerns about becoming landlocked. Ms. Pickett stated that the City received a letter of support from the Aero Country Property Owners Association; however, there were some property owners that were not in agreement with this support. She felt that the property in question was regarding one of the letters of opposition received from an Aero Country property owner. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that he was unaware of any properties becoming landlocked due to this request.

Mr. Steve Bell, 470 Adriatic Pkwy., McKinney, TX, concurred with the Staff report. He stated that they had met with the Aero Country Property Owners Association to discuss the proposed development of the property. Mr. Bell stated that the Aero Country Property Owners Association voted unanimously to support this project. He stated that on Saturday the Aero Country membership met and 87% of the members voted to support their proposal. Mr. Bell stated that City Council had raised some concerns that this request addresses.

Chairman Franklin opened the public hearing and called for comments.

Mr. Carl Best, 2604 Winterstone Dr., Plano, TX, stated that he was the Vice President of the Aero Country Property Owners Association. He spoke in favor of this proposed rezoning request. Mr. Best stated that they had been working with Mr. John Loftus, who had been receptive of their concerns. He stated that 71% of the Aero Country Property Owners Association members were in attendance at the meeting. Mr. Best stated that 60% voted for supporting the request and 11% voted in opposition. He stated that they were still working on a legal document to finalize their agreement. Mr. Best offered to answer questions. There were none.

Mr. Jack Wybenga, 10015 Taylor Craft, McKinney, TX, stated that he owned the 130' of property between the airport and proposed property. He stated that he had not received a notice about this request; therefore, did not have an adequate amount of time to prepare for this meeting. Mr. Wybenga requested that this request be tabled to give him more time to prepare. He stated that the drainage off the airport is to the east of what he considered a floodplain on the subject property. Mr. Wybenga stated that if a masonry wall was built on the western edge of the subject property, then it could have a negative effect on his property. He requested that an environmental impact study be completed prior to any construction on the property. Mr. Wybenga stated that between the airport and the applicant that there was an attempt to landlock his property.

Chairman Franklin asked Mr. Wybenga to show where his property was located on the Aerial Exhibit shown on the overhead. Mr. Wybenga showed where his property was located along the runway. Chairman Franklin asked for the width of his property. Mr. Wybenga stated that it was 130' wide. Chairman Franklin asked for the length of the property. Mr. Wybenga stated that it was approximately 1,100' long.

Chairman Franklin asked Mr. Wybenga if he had any plans for his property. Mr. Wybenga said not at the present time. He stated that the airport had a lease which allowed them to mow that property.

Chairman Franklin asked Mr. Wybenga where the access to the property currently was located. Mr. Wybenga stated that it came from across the runway.

Commission Member Gilmore asked where the masonry wall was planned. Mr. Wybenga stated that it was planned to the east of his property, butting right up to it. He stated that it would be like a dam keeping water on his property. Mr. Wybenga stated that he thought a road was planned to the east of this masonry wall to provide access to the proposed mini-warehouses.

Chairman Franklin asked Mr. Wybenga if he had access to his property from the south. Mr. Wybenga said no.

Commission Member Zepp asked if Mr. Wybenga's property ran the whole length of the runway. Mr. Wybenga said it ran the whole length of the grass runway.

Mr. Eric Morgan, 1701 W. Northwest Hwy., Grapevine, TX, stated that the area to the east of Mr. Wybenga's property was meant to be a buffer zone and not a road.

Commission Member Zepp asked Mr. Morgan if he could address Mr. Wybenga's flooding concerns. Mr. Morgan stated that he was not aware of that corner of their property being in the floodplain. He stated that he could not speak towards Mr. Wybenga's property. Mr. Morgan stated that the subject property drained into the lake and out towards U.S. Highway 380 (University Drive). He was not aware of the proposed masonry wall posing any flood hazard or drainage issues. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that all development on the subject property would be required to meet the City's stormwater detention and retention ordinances.

Mr. Morgan stated that the proposed masonry wall was to address some of City Council's safety concerns.

On a motion by Commission Member Stevens, seconded by Alternate Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Chairman Franklin asked for clarification on Mr. Wybenga's comment about his property becoming landlocked. Mr. Quint felt that his property was already landlocked. He was not able to locate any access easements to that property on Collin Central Appraisal District's website; however, he had not done a title or deed search. Mr. Quint stated that Mr. Wybenga's property was currently unplatted and located in the ETJ (Extraterritorial Jurisdiction). He was not sure how the property got into this configuration.

Commission Member Zepp expressed concerns about this subject property not having cross access from the east. He stated that they need to think about the impact of site plan and zoning requests on the surrounding properties.

Commission Member Stevens stated that this requests shows that when two parties get together and make compromises that they could come up with a significantly better plan.

On a motion by Commission Member Stevens, seconded by Commission Member Zepp, the Commission unanimously voted to recommend approval of the proposed zoning request as presented by Staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-082Z 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, Generally to Modify the Development Standards, Located on the Southwest Corner of Van Tuyl Parkway and Alma Road

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request. She explained that the applicant was requesting to modify the existing pattern book for the remaining five parcels in the development known as Parkside at Craig Ranch. Ms. Pickett stated that Staff recommends approval of the proposed rezoning request with the special ordinance provision listed in the Staff report.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; briefly explained the proposed rezoning request. He stated that they were converting most of the surface parking to structure parking and introducing food

trucks for special events. Mr. Roeder requested a favorable recommendation and offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments.

Mr. Dale Hoelting, 2513 Mosswood Dr., Carrollton, TX, explained that he owned the property across the street from this request. He asked about the proposed changes to the architectural standards, parking, and the number of food trucks allowed at any given time on the property.

Ms. Pickett briefly explained that the City's architectural standards had recently been revised and that the applicant was proposing to have a higher percentage than what was required by the Zoning Ordinance. She stated that Staff felt that they proposed a high quality development. Ms. Pickett stated that the applicant proposed to reduce surface parking by using garage parking instead. She stated that they plan to have four food truck spaces available. Ms. Pickett briefly discussed the food truck ordinance that would allow the four food trucks to be located at this location, they could be located next to each other at the same time, and they would have specific operating hours.

Chairman Franklin asked if the food trucks would be located on the interior of the development. Ms. Pickett said yes.

Chairman Franklin asked Mr. Dale Hoelting if he had any other questions. Mr. Hoelting stated that as long as the parking requirements were not decreased and the architectural standards would be similar to what had already been built on the previous parcels, then he did not have a stance for or against this rezoning request.

On a motion by Commission Member Stevens, seconded by Alternate Commission Member McCall, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-102SU2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for an Auto Body Repair and Paint Shop (Caliber Collision), Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 400 Feet West of Hardin Boulevard

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the specific use permit request. She stated that Staff recommends denial of the proposed specific use permit due to close proximity of the subject property to residential uses and a lack of conformance with the vision outlined in the Northwest Sector Study Report. She offered to answer questions. There were none.

Mr. Jonathan Vinson, 901 Main St., Dallas, TX, stated that the team members working on this project and some Caliber Collision employees were present at the meeting to support this request including: Steve Rumsey, Kevin McKibben, Jonathan Hake, Brett Flory, Tom Saddler, and Shawn Newton. Mr. Vinson explained the specific use permit request, gave a brief history of the zoning on the property, and discussed the proposed landscaping for the property. He showed a rendering of what the development might look like during his presentation. Mr. Vinson stated that an O'Reilly Auto Parts was planned to be built next door to this property and an Eagle Transmission had already been built in this same general area. He felt there would be more concerns over an auto parts store versus a Caliber Collision location. Mr. Vinson stated that the subject property was about 500' from the closest residential property in the Heritage Bend subdivision. He stated that Caliber Collision was a high-end body shop. Mr. Vinson showed examples of nearby Caliber Collision located in Fort Worth, Plano, Wylie, and Frisco. He gave the distances of these locations to surrounding residential properties. Mr. Vinson stated that he was unaware of any complaints from the residential property owners nearby these locations. He stated that all of the work performed would be done in the interior of the building, which he felt should address any noise concerns. Mr. Vinson briefly discussed the screening options and proposed landscaping for the subject property. He stated that this area of McKinney is growing. Mr. Vinson stated that Caliber Collision was a service business that was community-oriented. He stated that almost all of the services that Caliber Collision does is on an appointment-only basis. Mr. Vinson stated that the parking spaces out front would be for customers. He felt that Caliber Collision businesses were closer to a retail use versus a heavy industrial use. Mr. Vinson stated that it would be an excellent fit for this location, since there were already other automotive businesses in the area. He restated

that an O'Reilly Auto Parts store was being built next door. Mr. Vinson stated that building a Caliber Collision at this location would have little impact on the residential property owners, since there would be a 500-foot separation. He stated that the property between this location and the surrounding residential properties was currently zoned for office and retail uses, which would also be a buffer. Mr. Vinson was not sure how that location would develop in the future; however, hoped that they would be as good of neighbors as they plan to be. He stated that they have reached out to the Heritage Bend Homeowners' Association on multiple occasions, shared some of the e-mails that he had received back from them, and that he was unaware of any objections to this request. Mr. Vinson briefly discussed the Future Land Use Plan (FLUP) for this area. He felt that a mid-rise office building in this area was years down the road. Mr. Vinson stated that this was an appropriate use for this location at this time and would service the community. He asked for a favorable recommendation and offered to answer questions.

Commission Member Gilmore asked how many employees would be at this location. Mr. Shawn Newton, 8410 Presidio Dr., Frisco, TX, stated that the McKinney location would be smaller than the Frisco location, and could have 25 to 30 employees. Mr. Newton stated that the larger Frisco location had 50 team members and averaged \$800,000 to \$900,000 worth of repairs every month. He stated that about 30% of their business came from McKinney.

Commission Member McCall asked about the proposed parking for the storage for the vehicles being worked on at this site. Mr. Vinson stated that the parking for these vehicles would be in the back of the property, would be screened by the building and landscaping, and would not be visible from U.S. Highway 380 (University Drive). Mr. Kevin McKibben, 6227 Lakeshore Dr., Dallas, TX, stated that there would be 14 parking spaces in front of the building for customers. He stated that they plan to have 60 parking spaces behind the building that would be located inside a fence.

Commission Member Stevens asked how many work stalls would be at this location. Mr. McKibben stated that they proposed 16 stalls.

Commission Member Stevens asked how many paint booths were proposed and how high the stacks would be above the roof of the building. Mr. Bret Flory, Cross

Architects, 1255 W. 15th St., Plano, TX, stated that they proposed to have two prep booths that have their own ventilation and exhaust. He stated that they plan to have one paint booth. Mr. Flory stated that they stacks would be about three feet taller than the parapet wall, which would meet the State of Texas requirements. Commission Member Stevens asked if the three foot tall portion of the paint stack would be visible from the street. Mr. Flory said yes.

Commission Member Stevens asked where the employees would park at this location. Mr. Flory stated that typically employees park behind the fence as well. Commission Member Stevens stated that he was at the Frisco location and noticed that there were about 30 employees parking on the street by the building. Mr. Flory asked Commission Member Stevens if he was referring to the Frisco location located on Preston Road. Commission Member Stevens said yes. Mr. Flory stated that was one of the largest stores in the Metroplex and had been very successful. He stated that parking on the street would not be an option at the McKinney location. Mr. Flory stated that this Frisco location was twice as large as the proposed McKinney location.

Commission Member Stevens asked about security or guard dogs on site. Mr. Flory did not feel that this location would need additional security for the yard. He also stated that Caliber Collision was willing to go above and beyond on certain things at their locations to make it fit and be an asset to the community.

Commission Member Stevens asked if any work, like pulling bumpers off or removing wheels, was not done in the parking lots at other locations. Mr. Flory stated that no totaled vehicles would come to this location. He stated that all repairs would take place inside the air-conditioned shop. Mr. Flory stated that they would want to keep the doors closed to keep the cool area inside. Commission Member Stevens wanted to clarify that no work would be done on the vehicles in the parking lot behind the building. Mr. Flory stated that he did not work inside the shop and that anything was possible. Commission Member Stevens felt it was very possible that some work might be done to the vehicles in the parking lot. Mr. Flory stated that it was Caliber Collision's standard to do all repairs inside the shop.

Commission Member Kuykendall asked about the noise concern. Mr. Flory did not feel that there would be an issue with noise, since all of the work should take place

inside the shop with the doors closed. He stated that they were willing to build a masonry wall. Mr. Flory stated that this location was on U.S. Highway 380 (University Drive), so he did not feel that there would be an additional noise above what was already experienced by the highway.

Commission Member Gilmore expressed concerns regarding the site having enough parking on it, so that employees would not be parking in the street. Mr. Vinson stated that there would not be any other location for the employees to park at this location, except on-site.

Chairman Franklin opened the public hearing and called for comments.

Mr. Steve Rumsey, Cross Development, 5317 Inverrary Dr., Plano, TX, spoke in favor of the request. He stated that Caliber Collision had received tremendous appreciation in other communities. Mr. Rumsey stated that the body shop service industry had changed. He stated that Caliber Collision locations are professional and first class. He stated that it would be a valuable asset for this community and would fill a tremendous need in this area. Mr. Rumsey briefly discussed the tax and employment benefits with this development.

On a motion by Alternate Commission Member McCall, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Commission Member Zepp asked if the auto parts store would be located immediately to the east of this location. Mr. Michael Quint, Director of Planning for the City of McKinney, said yes and that the O'Reilly Auto Parts store was currently under construction. Commission Member Gilmore asked if it would be located directly next door to this request. Mr. Quint said yes.

Commission Member Zepp asked about the zoning for the O'Reilly Auto Parts property. Mr. Quint stated that the zoning for that property had been in place for a good while. He stated that auto part sales uses were considered a retail use per the Schedule of Uses in the Zoning Ordinance.

Chairman Franklin stated that he had a bigger vision of what U.S. Highway 380 (University Drive) could be in the future with Baylor Hospital and Collin College out there. He stated that the building and landscaping looked good to him; however, had

concerns about having this use at this location. Chairman Franklin stated that the development along U.S. Highway 380 (University Drive) was going to change over the next 15 to 20 years. He agreed with Staff that it was setting the tone for the development in this area of McKinney. Chairman Franklin stated that there was nothing that they could do about the auto part store at this location due to the zoning on the property.

Alternate Commission Member McCall stated that he initially concurred with Staff's recommendation to deny the request, until he learned about the O'Reilly Auto Parts store being located next door. He stated that his only concern now was whether or not there would be adequate parking on the site.

Commission Member Gilmore stated that Caliber Collision was planning to construct a high-end, well-run facility at this location. He felt it would be a good-looking building and away from the residential development. Commission Member Gilmore stated that McKinney needed a Caliber Collision; however, he wished it was not at this location.

Chairman Franklin felt that they were going down a slippery slope if this was approved by setting a tone in that area that industrial uses were okay. He stated that if they want to preserve that area, then you have to say no somewhere.

Commission Member Kuykendall felt there was a difference between the proposed development and the O'Reilly Auto Parts store next door. She expressed concerns about noise issues with the bay doors being opened and shut all day long as vehicles are being moved in and out of the building.

Commission Member Zepp stated that he agreed with some of Chairman Franklin's comments; however, questioned if this was where they needed to make their stand. Chairman Franklin stated that they were talking about the intersection of two major streets. Commission Member Zepp briefly discussed the differences between the two uses.

Chairman Franklin called for a motion. On a motion by Commission Member Stevens, seconded by Commission Member Kuykendall, the Commission vote to recommend denial of the specific use permit request as recommended by Staff, with a

vote of 4-2-0. Commission Member Gilmore and Alternate Commission Member McCall voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-135Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "C2" - Local Commercial District, Located on the Southeast Corner of Future Collin McKinney Parkway and Stacy Road

Mr. Aaron Bloxham, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request.

Mr. Tyler Scott, 402 N. Tennessee St., McKinney, TX, concurred with the Staff report, requested a favorable recommendation, and offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Alternate Commission Member McCall, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-083Z 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 the Development Standards, Located on the Northwest Corner of Chief Spotted Tail Drive and Alma Road

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the Staff report.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; concurred with the Staff report, requested a favorable recommendation, and offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Stevens, seconded by Commission Member Zepp, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-132SU2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Street Subdivision (Auburn Hills, Phase 5), Located on the North Side of U.S. Highway 380 (University Drive), South Side of Wilmeth Road and East of County Road 166

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed specific use permit request. She stated that Staff recommends approval of the proposed specific use permit to allow for a private street subdivision as conditioned in the Staff report.

Commission Member Stevens stated that he thought that the City had chosen to not have private street development at one point in time. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that private street regulations had been in the Subdivision Ordinance for at least the past nine years.

Mr. Jerry Sylo, JBI Partners, 16301 Quorum, Addison, TX, explained the specific use permit request and offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Zepp, the Commission voted unanimously to close the public hearing and recommend approval of the specific use permit as conditioned in the Staff report, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-129SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Brewery (TUPPS Brewery), Located at 721 Anderson Street

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained the proposed site plan request and design exceptions. He stated that Staff was

recommending approval of the proposed site plan request and design exceptions, but had some concerns about the placement of the silo along the street frontage. Mr. Robinson offered to answer questions.

Chairman Franklin asked about the location of the proposed silo on the property. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the "MTC" – McKinney Town Center District identified Anderson Street as a Pedestrian Priority "B" Street. He stated that Staff had concerns that the nature of the look of having a silo on the street could impact future development in the area. Mr. Quint stated that Staff had recommended to the applicant that the silo be tucked in to the north side of the property.

Chairman Franklin asked what the silo would be used for on the property. Mr. Quint believed the brewery would be using it to store grain.

Mr. Keith Lewis, Tupps Brewery, LLC, 721 Anderson St., McKinney, TX, stated that the silo would hold the malted barley. He stated that the silo needed to be located near the brew house which was located on that side of the building. Mr. Lewis stated that the silo would keep from employees having to lift about forty 55-pound bags of grain for each brew. He stated that the silo in this location would also limit the traffic down the street, since the silo would allow bulk delivery. Mr. Lewis stated that they had been open about two months now and had received comments that they had significantly enhanced the view of the area.

Chairman Franklin asked the applicant if he took an existing building and made improvements. Mr. Lewis said yes.

Chairman Franklin asked how much they had invested in the building. Mr. Lewis stated that over \$500,000 had been spent on the improvements to the building, not including the equipment.

Commission Member Stevens asked if the silo could be screened by landscaping. Chairman Franklin asked if there was room to plant trees by the silo. Mr. Lewis stated that in the submitted landscaping plan proposed to plant bushes around the bottom of the silo for some screening.

Commission Members Zepp and Gilmore liked the idea of having a silo at a brewery. Mr. Lewis stated that a silo was an iconic symbol of a brewery.

Chairman Franklin opened the public hearing and called for comments.

Mr. Jeremiah Wallis, 2797 FM 543, McKinney, TX, stated that he was the Director of Sales for the Lakewood Brewing Company. He stated that they were one of the largest breweries in Dallas-Ft. Worth. Mr. Wallis spoke in favor of the request. He stated that a silo was one of the most important assets of a brewery. Mr. Wallis stated that a silo allows a brewery to produce a product more efficiently.

On a motion by Commission Member Kuykendall, seconded by Commission Member Gilmore, the Commission unanimously voted to close the public hearing and approve the proposed site plan request and design exceptions as conditioned in the Staff report, with a vote of 6-0-0.

15-123SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for Mercedes-Benz of McKinney, Located on the Southeast Corner of Bray Central Drive and U.S. Highway 75 (North Central Expressway)

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed site plan request and alternate screening device variance. She stated that Staff recommends approval of the proposed site plan and associated variance as conditioned in the Staff report. Ms. Galicia offered to answer questions. There were none.

Mr. Martin Walsh, Sonic Automotive, 4401 Colwick Rd., Charlotte, NC, concurred with the Staff report, requested a favorable recommendation, and offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Zepp, the Commission unanimously voted to close the public hearing and recommend approval of the proposed site plan request and associated variance as conditioned in the Staff report, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-120SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for Freedom Powersports, Located at 2110 North Central Expressway

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed site plan request. She stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report and offered to answer questions. There were none.

Mr. Allan Ross, 14902 Preston Rd., Dallas, TX, stated that he was the Architect for the project. He concurred with the Staff report and offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Alternate Commission Member McCall, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing and recommend approval of the proposed site plan request as conditioned in the Staff report, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

15-157Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Zone Less than 675 Acres of Land to "AG" - Agricultural District, Generally Located At and Around the Intersection of Trinity Falls Parkway (F.M. 543), Laud Howell Parkway (F.M. 543 Connector), and Central Expressway (U.S. Highway 75)

Mr. Michael Quint, Director of Planning for the City of McKinney, explained the proposed zoning request and gave a brief history on the annexation proceedings for the approximately 675 acres of land. He stated that any legal uses currently on a property within this area that was not allowed under the new "AG" – Agricultural District approved uses would become legally non-conforming. Mr. Quint stated that as these properties came in for development that they would likely request to be rezoned at that time. A letter of opposition received from Arthur J. Anderson was distributed to the Commission prior to the meeting. Mr. Quint stated that Staff recommends approval of the zoning request and offered to answer questions. There were none.

Chairman Franklin opened the public hearing and called for comments.

Mr. Jeremiah Wallis, 2797 FM 543, McKinney, TX, asked how the "AG" – Agricultural District zoning would affect his residential property. Mr. Quint explained that it should not affect Mr. Wallis unless he changed the use of the property.

Ms. Jan Venkatesan, 3163 FM 543, McKinney, TX, spoke in opposition to the zoning request. She stated that she purchased the Crump's Garden property, within this proposed area, to develop a retail center and recreational vehicle (RV) park. Ms.

Venkatesan expressed concerns about how the proposed zoning would affect her plans to develop this property.

On a motion by Commission Member Stevens, seconded by Alternate Commission Member McCall, the Commission unanimously voted to close the public hearing and recommend approval of the proposed zoning request, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 21, 2015.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Mr. Michael Quint, Director of Planning for the City of McKinney, announced that the City of McKinney had won a CLIDE (Celebrating Leadership in Development Excellence) award from the Center of Development Excellence for the recently completed Northwest Sector Study Phase 1 Report.

Chairman Franklin declared the meeting adjourned at 8:40 p.m.

RICK FRANKLIN
Chairman